

LOUISIANA WILD LIFE AND FISHERIES COMMISSION

P R O C E E D I N G S

BOARD MEETING

Tuesday, September 18, 1973

10:00 A. M.

MARC DUPUY, JR., PRESIDING

New Orleans, Louisiana

P R O C E E D I N G S

... The Board Meeting of the Louisiana Wild Life and Fisheries Commission convened at 10:00 a. m. on Tuesday, September 18, 1973, at the Wild Life and Fisheries Building, 400 Royal Street, New Orleans, Louisiana, Marc Dupuy, Jr., presiding

PRESENT WERE:

MARC DUPUY, JR.

JIMMIE THOMPSON

CLAY LUTTRELL

DOYLE BERRY

DON WILLE

J. BURTON ANGELLE, DIRECTOR

ABSENT:

JERRY JONES

LLOYD AUTIN

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A G E N D A

DR. LYLE ST. AMANT

1. Request from F & S Equipment Company, Inc. of Norco, La., (4)
for permission to dredge for fill material from the Mississippi River at Mile 141.5 AHP.
2. Request from T.L. James and Company, Inc. of Kenner, La., (5)
for permission to dredge for sand and/or fill material from the Mississippi River at Mile 60 to Mile 62 AHP.
3. Request from Central States Dredging Company of Memphis, (6)
Tenn. for permission to dredge sand and gravel from the Mississippi River at the following locations:

1. Along face of middle bar opposite Kings Point- Delta Point Revetments, Mile 438.0 to Mile 440.6 AHP.
2. Along middle bar opposite Delta Point Revetment, Mile 436.6 to Mile 437.5 AHP.
3. Along right bank opposite Racetrack Revetment, Mile 431.5 to Mile 435.5 AHP.
4. Along face of middle bar opposite below Racetrack Dikes, Mile 429.5 to Mile 431.5 AHP.

MR. KENNETH SMITH

4. Consider revision of Toledo Bend reciprocal agreement to include creel daily and possession limits on striped bass. (9)

MR. ALLAN ENSMINGER

5. Consider application for two mineral leases on Rockefeller Refuge. (12)
6. Consider request by Terrebonne Parish Police Jury for 80 ft. right of way to construct levee and canal system on Pointe-au-Chien Wildlife Management Area. (13)

MR. JOE HERRING

7. Consider request to establish hunting regulations on school board section of Georgia-Pacific Wildlife Management Area. (16)
8. Any sex deer season - Ascension Parish. (17)
9. Clarify reading on Fort Polk deer season. (20)
10. Any sex deer season - portion of Morehouse Parish. (21)
11. Any sex deer season - East Carroll Parish. (23)
12. National Hunting and Fishing Day recognition - Sept. 22, 1973. (26)

MR. GERALD MARTINEZ

13. Adoption of Guidelines and Procedures for Administration of the Natural and Scenic Rivers System Act. (35)
- 13 A. Concordia Police Jury request relative to Central Concordia Watershed Project. (39)

MR. J. BURTON ANGELLE

14. Policy on radio tower use. (29)

15. Resolution pertaining to actions of Ernest Williams, (31)
trapper, in saving a child from drowning.

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THE CHAIRMAN: We'll begin the meeting. I'm Acting Chairman this morning. Our chairman, Jerry Jones is in court and is unable to be with us. Our Vice-Chairman is also not with us this morning, so I hope you will bear with me.

I would first like to introduce to you and welcome our newest member of the Wild Life and Fisheries Commission, Mr. Don Wille from Bossier City. He is the owner and publisher of the Bossier Press. It is the largest newspaper in north Louisiana and subscriptions are encouraged. Don, we are very happy to have you with us.

MR. DON WILLE: Thank you very much, Marc.

THE CHAIRMAN: Dr. Lyle St. Amant.
Are you ready, sir?

DR. LYLE ST. AMANT: Mr. Chairman, Members of the Commission, we have three items on the agenda this morning. They involve the question of permits in the Mississippi River. The first is a request for a permit to dredge for fill material from the Mississippi River at Mile 141.5 above the Head of the Passes by the F & S Equipment Company, Inc. We have examined this request. It meets with the requirements set forth by the Commission and we do not feel it will have any effect on the wildlife

and fishery interests in the area and, therefore, we recommend that the permit be granted.

THE CHAIRMAN: You have heard the motion of Mr. Luttrell, seconded by Mr. Berry. What is your pleasure, gentlemen? All in favor say "aye." Motion is carried.

(Text of the resolution is here made a part of the record.)

BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby grant permission to F & S Equipment Company, Inc. to remove fill material from the Mississippi River at Mile 141.5 AHP near Garyville, Louisiana.

DR. ST. AMANT: The second item is a request for a permit by T. L. James and Company, Inc., to dredge for fill material in the Mississippi River approximately 60 miles above the Head of the Passes. This permit has been examined. It meets the requirements set forth by the Commission and it will not have any serious effect on the wildlife and fishery interests. In lieu of that, I suggest that this permit be granted.

THE CHAIRMAN: It has been moved by Mr. Wille, seconded by Mr. Berry. Any objections? Hearing none, so ordered.

(Text of the resolution is here
made a part of the record.)

BE IT RESOLVED that the Louisiana
Wild Life and Fisheries Commission
does hereby grant permission to T. L.
James & Company, Inc. to remove fill
material from the Mississippi River
at approximately Mile 60 AHP to Mile
62 AHP.

DR. ST. AMANT: Now, the third request
is from the Central States Dredging Company of Memphis, Tennessee,
for permission to dredge sand and gravel from the Mississippi River
at several points. One from the middle bar opposite Kings Point,
Mile 438.0 to Mile 440.6 above the Head of the Passes. This is
up in generally the Vicksburg area.

At Mile 436 to 437 in the Delta Point
area.

Mile 431 to 435 above the Head of the
Passes, and Mile 429 to Mile 431.

This request meets the requirements
set forth by the Commission. You will note that they request both
the permit for sand or gravel. This is not unusual. The only
thing we will have to do here is to be certain that in the permit,
if it is issued, that different rates of royalty will be set, one
for fill material and one for gravel or wash gravel and sand. These

have different royalty rates and they can be set into the lease or the permit. This is no problem. However, I would suggest that this permit be granted conditionally on some further field examinations. I have not had time to do all of the necessary checking on this company and I would like permission to continue to do so.

THE CHAIRMAN: Doctor, have we ever as a Commission ever granted any combination of sand and gravel rights in the same lease.

DR. ST. AMANT: Yes, I think they have. We even have a lease in the Mississippi River in that general area, I believe, that gives both sand and gravel. Most of the gravel things are not permits because we do not get involved in it. Most of the gravel is dredged on the smaller streams and are on private lands and we don't get involved in it at all. But, we have issued gravel permits and combination permits but if there is a legal question or our legal section thinks we should issue two separate permits, there is no problem.

THE CHAIRMAN: You might confer with Mr. Duffy on that. The condition that you would like to grant or have approval on this condition on your determining further information.

DR. ST. AMANT: That is correct. This is an out-of-state company and we have dealt with them once before

and I would like to be certain of their operations before this permit be granted. However, the permit itself and the manner in which it was requested meets the requirements set forth by the Commission. There is no particular reason to deny this permit.

MR. JIMMIE THOMPSON: Doctor, about the gravel situation. I didn't fully understand and I guess someone has told you in your absence here and briefed you on that, it was my question in reference to the gravel. I'm still not quite clear on the situation and as I interpret your comments this morning you are asking for authority to issue these permits if your findings prove satisfactory.

DR. ST. AMANT: That is correct.

MR. THOMPSON: In other words, you would be the judge of it. Well, I so move under those conditions.

MR. WILLE: I'll second it.

THE CHAIRMAN: Gentlemen, you have heard the motion by Mr. Thompson, seconded by Mr. Wille. What is your pleasure? All in favor. Hearing no objections, so ordered. Mr. Kenneth Smith.

(Text of the resolution is here

made a part of the record.)

BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby grant permission to the Central States Dredging Company to remove sand and gravel from the following locations on the Mississippi River:

- (1) Along face of middle bar opposite Kings Point -
Delta Point Revetments Mile 438.0 to Mile 440.6
AHP.
- (2) Along middle bar opposite Delta Point Revetment,
Mile 436.6 to Mile 437.5 AHP.
- (3) Along right bank opposite Racetrack Revetment,
Mile 431.5 to Mile 435.5 AHP.
- (4) Along face of middle bar opposite below Racetrack
Dikes, Mile 429.5 to Mile 431.5 AHP.

MR. KENNETH SMITH: Mr. Chairman,
Members of the Commission, we have been informed by representatives
of the Texas Parks and Wildlife Department that they are considering
the establishment of a creel and possession limit on striped bass
in Texas. They also suggest that they would be agreeable to
including this creel and possession limit which would be similar
to ours.

Creel and possession limit at present
in Louisiana is two and possession limit four. But they would
be agreeable to including creel and possession limits in the
existing Toledo Bend reciprocal agreement between Texas and
Louisiana.

Since Louisiana fishermen are under
the restriction of creel and possession limits it would seem
only proper that the Texas people should be under the same
limitations so I would recommend that the Commission approve the

inclusion of this revision in existing reciprocal agreement.

MR. DOYLE BERRY: Mr. Chairman, I would like to comment at this time just for the public's benefit. I don't know that Texas is really legislating our fish. They didn't bring any striped bass to put in that lake. They were all put in by the State of Louisiana, Wild Life and Fisheries Commission. And, I don't think they have any right to legislate our fish.

MR. SMITH: Well, of course, Mr. Berry, what they are doing, they enjoy the privilege of fishing without limits at all now on our fish. You see, this would limit them. Place limits on them the same as Louisiana fishermen currently have on them.

MR. BERRY: I appreciate that. I just wanted to set the record straight and let the people here know that we did put the fish in there and Texas hasn't put in any fish.

MR. SMITH: Yes sir. You are right.

THE CHAIRMAN: All right gentlemen. There is a motion by Mr. Thompson, seconded by Mr. Luttrell. Is there any objection? Hearing none, so ordered. Mr. Ensminger.

(Text of the resolution is here
made a part of the record.)

WHEREAS, there is currently a state-

wide creel limit of two and possession limit of four on striped bass in Louisiana, and

WHEREAS, there is no creel or possession limits stipulated in the Reciprocal Agreement on Toledo Bend between Texas and Louisiana, and

WHEREAS, representatives of the Texas Parks and Wildlife Department have indicated a willingness to revise the current Reciprocal Agreement on Toledo Bend to include creel and possession limits on this fish.

THEREFORE BE IT RESOLVED, that the Louisiana Wild Life and Fisheries Commission hereby approves the inclusion of creel and possession limits in the Reciprocal Agreement, the creel limit to be two daily with the possession limit of four, and further authorizes the Director to enter into the above stated agreement with the Texas Parks and Wildlife Department.

MR. ALLAN ENSMINGER: Mr. Chairman, Members of the Commission. We have received a notice from the State Mineral Board that they had two tracts nominated to them for leasing on our Rockefeller Wildlife Refuge. These two tracts that have been nominated are adjacent to existing producing leases on the refuge and I would recommend that we go ahead and approve the State Mineral Board advertising these two tracts for lease for the Commission.

THE CHAIRMAN: It has been moved by Mr. Berry, seconded by Mr. Thompson. Any objection? Hearing none, so ordered.

(Text of the resolution is here made a part of the record.)

WHEREAS, the Louisiana Wild Life and Fisheries Commission has received a notice from the State Mineral Board that they have two applications for leasing on Rockefeller Wildlife Refuge, and

WHEREAS, these two tracts are located adjacent to producing fields, and

WHEREAS, access to these two areas can be accomplished with a minimum

amount of disturbance to the refuge,

NOW, THEREFORE BE IT RESOLVED, that the

approval be granted to the State Mineral Board to advertise these two tracts on behalf of the Louisiana Wild Life and Fisheries Commission.

MR. ENSMINGER: The second item I have for your consideration is a request that we have received from the Terrebonne Parish Police Jury requesting an 80 ft. right-of-way along a portion of the northern boundary of our Pointe-au-Chien Wildlife Management Area in Terrebonne and Lafourche Parishes. Now this right of way will serve as an area for the Police Jury to construct a drainage canal and tidewater barrier levee adjacent to the refuge to protect private property along the Pointe-au-Chien bayou ridge. This levee can also be used by the Commission in conjunction with some of our marsh management work and it will also serve as a well defined boundary line along this northern edge of the refuge. Our Commission has plans at this time to enter into a cooperative marsh management program with private land owners, namely, LaTerre and Louisiana Land Company, who owns land adjacent to our southern boundary of the refuge, in order to prevent saltwater intrusion into parts of the game management area. We are having a very serious problem and in order for us to consummate our management program it will be necessary that a levee be built along this private land to protect us from backing water up onto the property.

With this in view, I would like to recommend that the Commission adopt a resolution granting the Terrebonne Parish Police Jury this right of way to construct a levee and in exchange for this they would support our marsh management plans to install a weir adjacent to the John Jean Charles Highway in order to control saltwater intrusion into the game management area.

MR. DOYLE BERRY: I so move.

MR. JIMMIE THOMPSON: Second.

THE CHAIRMAN: Gentlemen, it has been moved by Mr. Berry. Seconded by Mr. Thompson. Any objections? (No response) Hearing none, so ordered.

Thank you very much, Mr. Ensminger.

(Text of the resolution is here made a part of the record.)

WHEREAS, the Louisiana Wild Life and Fisheries Commission has received a request for the Terrebonne Parish Police Jury to have a right-of-way 80 feet in width along a portion of the boundary of the Point-Au-Chien Wildlife Management Area adjacent to the Point-Au-Chien ridge, and

WHEREAS, this right-of-way will be used for the construction of a drainage canal and tide water barrier levee, and

WHEREAS, this work will be advantageous

to the Louisiana Wild Life and Fisheries Commission by establishing a permanent boundary demarcation between our property and private ownerships, and

WHEREAS, this work, when completed by the Police Jury, will isolate private property from the Game Management Area so that marsh management work on our area will not have a bearing upon the private lands, and

WHEREAS, the Terrebonne Parish Police Jury, shall assist and support the Louisiana Wild Life and Fisheries Commission in marsh management work to control salt water intrusion into this portion of the Point-Au-Chien Game Management Area.

NOW, THEREFORE BE IT RESOLVED, that the Louisiana Wild Life and Fisheries Commission does hereby grant a right-of-way to the Terrebonne Parish Police Jury to construct a drainage canal and tide water barrier levee along a portion of the boundary line of the Point-Au-Chien Wildlife Management Area in Terrebonne Parish adjacent to Bayou Point-Au-Chien and in exchange for this privilege, the Terrebonne Parish Police Jury shall support and assist the Louisiana Wild Life and Fisheries Commission in developing a management program in conjunction with private landowners to prohibit salt water intrusion into a portion of the Game Management Area, and

THEREFORE BE IT FURTHER RESOLVED, that the

Director is hereby authorized to sign all documents pertaining hereto.

MR. JOE HERRING: Thank you, Mr. Chairman.

First we have on the agenda pertains to the Georgia Pacific Wildlife Management Area. The owners of 19,600 acres of land which joins the west side of the Georgia Pacific area signed their land up in the A.S.C.S. Public Access Program which means this land will be open for public hunting. Now, we have Section 16 leased to the School Board property within this area and has been closed for the past two years. We would recommend since the outside area will be opened that this Section 16 be opened the same as the outside season except still hunting only in the Georgia Pacific area.

MR. CLAY LUTTRELL: I so move.

MR. DON WILLE: Second.

THE CHAIRMAN: It has been moved by Mr. Luttrell. Seconded by Mr. Wille.

Any objections, gentlemen? (No response)

Hearing none, so ordered.

(Text of the resolution is here made
a part of the record.)

WHEREAS, the owners of the 19,600 acres of land joining the west side of Georgia Pacific Wildlife Management Area have signed the land with the U. S. Department of

Agriculture A.S.C.S., and

WHEREAS, this is in the Public Access Program which means the area will be used for public hunting, and

WHEREAS, the Commission has leased Section 16 of the School Board land within this area, and

WHEREAS, Section 16 is presently closed to hunting and designated as a refuge area, and

WHEREAS, Section 16 will be surrounded by the open land which is under the Public Access Program, now

THEREFORE BE IT RESOLVED that Section 16 of the School Board land which is consisted as a portion of the Georgia Pacific Wildlife Management Area will be opened for public hunting the same as the outside season with still hunting only.

MR. JOE HERRING: Mr. Chairman, the second item we have pertains to an any-sex season in Ascension Parish. This area was opened last year for an any-sex season but due to the floods we were unable to really give it the checking out that we would have liked to have had prior to the setting of the seasons. Since that time, we have had time to re-evaluate this area with our field personnel out of District VII.

We would like to recommend to the Commission at this time that we do have an any-sex season for the first day

of each segment which will be November 23 and December 26. In other words, just a two-day any-sex season and the area is described as Ascension Parish east of the Mississippi River from there to the St. James Parish line.

MR. JIMMIE THOMPSON: I believe you reserved the right to bring this up at a later date when we were setting the seasons.

MR. JOE HERRING: Right. There were several areas that when we were setting the seasons that we went ahead and closed until such time as we could have time to reevaluate them due to the flood conditions and using our personnel for other things, so these areas we are considering are areas that we had requested earlier to reserve the right to go back and look into.

MR. JIMMIE THOMPSON: Under those terms, I so move.

MR. CLAY LUTTRELL: Second.

THE CHAIRMAN: It has been moved by Mr. Thompson and seconded by Mr. Luttrell.

Gentlemen, before voting on it, the information that you now are giving us and what we are now going to act on is not in the printed bulletin.

MR. JOE HERRING: No, sir. This is not in the printed bulletin. We would have to put out news releases

notifying the people in this area of the changes and is controlled more or less by property owners as is most of the state now.

THE CHAIRMAN: All right. Gentlemen, do you have any objections? (No response)

Hearing none, so ordered.

MR. DON WILLE: As long as the people in the parish are notified properly.

MR. JOE HERRING: Right. The parishes are in favor with this. We have discussed this with people in the parish there.

(Text of the resolution is
here made a part of the record.)

WHEREAS, after rechecking the Ascension Parish area that was open for an any-sex season last year, and

WHEREAS, this area was not given a thorough check due to flood conditions prior to make the 1973-74 deer recommendations, and

WHEREAS, since that time personnel of the Louisiana Wild Life and Fisheries Commission have had an opportunity to re-evaluate the area, now

THEREFORE BE IT RESOLVED that the deer season would be for the first day of each segment November 23 and December 26, 1973, for an any-sex season and that area as described as Ascension Parish east of the Mississippi River from

Darrow to the St. James Parish line.

MR. JOE HERRING: Mr. Chairman, the next item is just a clarification of the reading on the Fort Polk regulations. Regulations will be the same but it will just be clarifying the reading. Where we have said deer November 24th, December 1st and 2nd, we would like to put in an "and" in there so it would clarify that and also in giving the remainder of the season that would be open we would just like to more or less spell it out and say December 3rd through the 9th, 1973, bucks only. Another place where it says "closed" we would just like to add November 23rd and then 26th through the 30th, 1973. It would just be a clarification--no changes at all but it would just make it a little easier to understand. We would put out a news release.

THE CHAIRMAN: Do we need to act on this?
As a Board?

MR. JOE HERRING: I would prefer it. Yes,
sir.

MR. CLAY LUTTRELL: I so move.

MR. DON WILLE: Second.

THE CHAIRMAN: It has been moved by Mr.
Luttrell. Seconded by Mr. Wille.

Any objections? (No response)

Hearing none, so ordered.

(Text of the resolution is here made a part of the record.)

WHEREAS, in the present regulations pertaining to the Fort Polk Wildlife Management Area by the addition of some words the reading could be much clearer, and

WHEREAS, the addition of certain words will not change the actual meaning of the season but make it much easier for the hunter to understand, now

THEREFORE BE IT RESOLVED that the regulations in the 1973-74 pamphlet for Fort Polk read as follows:

Deer: November 24-25 and December 1-2, either sex.

Daily permit. Remainder of season December 3-9,

1973. Bucks only, same as outside season Except

closed during early still hunt on outside season

and November 23, 26-30, 1973.

MR. JOE HERRING: Mr. Chairman, the next item is a request from the Morehouse Parish Police Jury along with some interested land owners and sportsmen in Morehouse Parish pertaining to an any-sex deer season surrounding our Coulee Wildlife Refuge. We have had considerable crop damage in this area and we have built up a very good deer population which is spreading out to some of the adjoining land and doing damages there. They have requested an any-sex season and our

personnel have checked this out and say that it can be permitted in this area for 4 days which would be November 23rd through November 26th, 1973.

I would like to recommend to the Commission at this time that we do permit this any-sex season in this area surrounding the Coulee Wildlife Refuge. Boundaries will be given in the resolution.

THE CHAIRMAN: This is in keeping with the Police Jury's request also.

MR. JOE HERRING: Yes, sir.

THE CHAIRMAN: Gentlemen; you have heard the recommendation.

MR. DON WILLE: I so move.

MR. DOYLE BERRY: Second.

THE CHAIRMAN: It has been moved by Mr. Wille. Seconded by Mr. Berry.

Any objections? (No response)

Hearing none, so ordered.

(Text of the resolution is

here made a part of the record.)

WHEREAS, a request has been received from the Morehouse Parish Police Jury to open a portion of that parish for any sex deer season, and

WHEREAS, this area joins the Coulee Wildlife Refuge, and

WHEREAS, this area has built up a good deer population which is causing crop damage, and

WHEREAS, our personnel have checked this area and found the deer population to be in adequate numbers for an any sex season, now

THEREFORE BE IT RESOLVED that an any sex deer season be held November 23-26, 1973 - area from Oak Ridge west along Highway 134 to the Lake Irwin Road, south to Texas Eastern Pipe Line, west to Swan Lake Road, north to Highway 134, east to Highway 138, north along Highway 138 to Collinston, east along Beel Road to Highway 133, and south along Highway 133 to Oak Ridge.

MR. JOE HERRING: Mr. Chairman, after several meetings with delegations of the East Carroll Parish Police Jury, it has been recommended that the any-sex season dates be changed in there. This would be the first 5 days. They had five days to start with but it was split in two and three days, so it is just putting all the days together, really. It would be the first five days of the second segment, December 26th to the 30th, 1973. It will be all that land east of Highway 65 from the Arkansas line to the Madison Parish line and west of the Mississippi River main channel from the Arkansas

line to East Carroll, Madison Parish line.

The other area that we are requesting to be open would be for the first two days of the second segment, December 26th and 27th, 1973. It would be still described as the area that was opened before. It would put all of their doe seasons into the first days then of the second segment instead of breaking it up.

The East Carroll Parish delegation is here today and this meets with their approval, the proposed changes.

THE CHAIRMAN: Do the gentlemen of East Carroll Parish wish to make any statements? (No response)

All right. fine.

MR. DOYLE BERRY: I so move.

MR. DON WILLE: Second.

THE CHAIRMAN: It has been moved by Mr. Berry. Seconded by Mr. Wille.

Any objections? (No response)

Hearing none, so ordered.

(Full text of the resolution
is here made a part of the
record.)

WHEREAS, a delegation from East Carroll Parish Police Jury has met with the Louisiana Wild Life and

Fisheries Commission, and

WHEREAS, this delegation has recommended that certain changes in the description be made for the any sex seasons in that parish, and

WHEREAS, the number of days are to be the present number of days as recommended and printed in the 1973-74 regulations, now

THEREFORE BE IT RESOLVED that the hunting description for the any sex deer season in East Carroll Parish be and read as follows:

1. First five (5) days of the second segment
December 26-30, 1973, east of Highway 65
from the Arkansas line to Madison Parish
line and west of the Mississippi River main
channel from Arkansas line to East Carroll -
Madison Parish line.
2. First two (2) days of the second segment
December 26-27, 1973, in that portion of
the Parish east of Bayou Macon from the
Arkansas State line to Parish Road 3333
(Hugo Road). North of Parish Road 3333
from Bayou Macon to U.S. Highway 65. East
of U.S. Highway 65 from junction of Parish
Road 3333 to the Madison Parish line.

MR. JOE HERRING: Mr. Chairman, the next item that we have, September 22nd has been declared a National Hunting and Fishing Day by the millions of sportsmen in our State and Nation. This day is in recognition of outstanding contributions of America's hunters and fishermen to the Conservation and economy of our State and Nation. Since the turn of the century, hunters and anglers have been leaders in the major conservation programs of our cities, states and nation. The sportsmen have been responsible for the founding of the state game and fish departments in all 50 states of this nation and they, themselves, have been asked to ask the legislators of their states to put into effect the purchase of hunting and fishing licenses so that this money could be spent back on the hunting and fishing resource of our state. They have also imposed on themselves seasons and bag limits so that the harvest of our game could be equal among all people and further in the purchase of hunting and fishing license and doing the work for the game species of fish and wildlife in our state, thousands of non-game types of animals, birds and fish have benefited from the sportsman's dollar. Also, the hunters and fishermen are probably unique in most of America in that they have asked that they be taxed on their hunting and fishing equipment. That's 11 percent excise tax on hunting equipment and 10 percent on fishing

equipment and that this money be spent back for the management of our wildlife resources in the form of land acquisition, research and habitat management of our state as well as the other 50 states.

Governor Edwards, will be signing a proclamation declaring this as National Hunting and Fishing Day, September 22nd. I would like to recommend to the Commission at this time that we also pass this resolution recognizing the sportsmen of our state.

MR. DON WILLE: Right. I believe, Joe, or am I wrong, didn't we do this or adopt a resolution. Burt, is it already drawn up?

MR. JOE HERRING: Right. The resolution has been drawn up. Mr. Angelle had requested this and he has had the resolution. It has already been drawn up.

THE CHAIRMAN: It has been moved by Mr. Wille. Is there a second?

MR. DOYLE BERRY: Second.

THE CHAIRMAN: Seconded by Mr. Berry.

Any discussion? (No response)

Hearing none, so ordered.

(Text of the resolution is here made a part of the record.)

WHEREAS, because of the outstanding contributions of America's hunters and fishermen to recreation, conservation and the economy, they are deserving of special recognition, and

WHEREAS, since the turn of the century, hunters and anglers have been the leaders in major conservation programs in our cities, states and Nation, and

WHEREAS, these sportsmen-conservationists are responsible for the founding of state fish and game departments in all 50 states, and

WHEREAS, they asked that they, themselves, be required to buy hunting and fishing licenses and that the money collected be used to support state conservation agencies, and

WHEREAS, hunters and fishermen asked for season and bag limits so that everyone would have a fair chance to harvest the annual crop of game and fish without damage to the basic breeding stock of the species, and

WHEREAS, further, sportsmen's programs have benefited hundreds of non-game fish and wildlife through habitat development, and

WHEREAS, hunters and fishermen, unique in all America, asked that their fishing and hunting equipment be

taxed and that the money be used for land acquisition, research and habitat management for fish and wildlife for the enjoyment of all Americans, now

THEREFORE BE IT RESOLVED that National Hunting and Fishing Day be established on September 22, 1973, for our State and that this day be an annual observance the fourth Saturday of each September. I urge all of our citizens to join the sportsmen-conservationists for rededication to the wise use of our natural resources and for proper management for the benefit of the future generations. Further, I urge all citizens to visit sportsmen's clubs on National Hunting and Fishing Day to learn more about conservation and outdoor skills.

MR. CHAIRMAN: Be sure to give it plenty of publicity because this is one thing that the Wildlife and Fisheries Commission can do in some measure to reciprocate for the support of the sportsmen, to honor them in their contributions to the propagation of wildlife.

MR. JOE HERRING: Thank you, Mr. Chairman.

THE CHAIRMAN: At this point, I would like to vary a little from the agenda and call on Mr. Angelle for the policy regarding radio tower use and the other matter on the agenda. We will leave for last the policy on guidelines.

MR. J. BURTON ANGELLE: Mr. Chairman, Members of the Commission, I received numerous requests during this past year for antenna locations on our base station towers. We have granted permission to Sheriff's departments, school boards, the use of our base station towers. I have declined a request of private corporations during this past year. I would appreciate it if the Commission would adopt a policy directing me to continue this disallowing private corporations the use of our base tower stations.

MR. DON WILLE: I so move.

THE CHAIRMAN: Gentlemen, it has been moved by Mr. Wille. Is there a second?

MR. DOYLE BERRY: Second.

THE CHAIRMAN: Seconded by Mr. Berry. Any discussion on this? Would you like to comment, Mr. Wille?

MR. DON WILLE: No. I think it is an excellent idea. The sheriff's department or any parish function or any government function that we can see fit to give them room on our towers, why I think we should certainly do it but I don't think we have any business with any private industry on our towers.

THE CHAIRMAN: Gentlemen, hearing no objection, it is so moved.

MR. J. BURTON ANGELLE: I have this other letter that I would like to read into the record for the benefit of the people in the audience. You gentlemen know about it. This is a letter addressed to the Commission and it deals with one of our employees. I think it is proper at this time to include this in the record and the letter reads:

"We would like to take time from our everyday activities to express to you and your employee, Mr. Earnest Williams, our thanks. On 8/23/73, near Pitkin, La., Mr. Earnest Williams and another citizen of that area helped one youngster have another chance in this world of ours.

Little Sanders Coker, eight-year-old son of Mr. & Mrs. William Coker of Pitkin, fell into a pond near his home about 6:00 P.M., Thursday, August 23rd. Children playing near the site where the boy disappeared so suddenly, saw him fall in and ran to the road for help. They flagged down a car driven by Earnest Williams also of Pitkin, with their shouts and frantic screams for help.

Mr. Williams, who is crippled in one leg, learned of the accident from the children, and very hurriedly backed his car to the nearest house

some way back up the highway. There he enlisted the aid of Elton Paul, who returned with him to the pond. Mr. Paul began probing for the submerged child and pulled him from the water all in a matter of about 20 minutes from the time the lad entered the water.

Mr. Williams began to force the water from the child's lungs, and at the same time began beating his chest and back to try and restore the heartbeat, which had ceased. These emergency measures together with artificial respiration and a touch of miracle restored the gift of life to young Sanders who after a couple of days rest in the hospital, is as fit as a fiddle. Thanks to Mr. Williams and Mr. Paul a young boy is given another chance at life.

The family of young Sanders and the people of Vernon Parish, Pitkin area, think Mr. Williams should receive some outstanding merit award as an employee of the Louisiana Wild Life and Fisheries Commission and for such a great deed. Such outstanding service rendered from one citizen to another reflects admiration on Mr. Williams and the Commission by whom he is employed."

This letter is signed by Mr. Thomas F. McCauley, President, Pitkin Volunteer Ambulance Service for Citizens of Vernon Parish.

I think it would be proper if the Commission would adopt a resolution commending Mr. Williams as an employee for a deed very well done.

THE CHAIRMAN: Gentlemen, you have heard Mr. Angelle. It's rare that we have the opportunity of doing such a relatively little thing as an act of commendation but perhaps very important and I think we ought to do it.

MR. DOYLE BERRY: Marc, isn't there some national foundation that presents awards to so many people each year for heroic deeds and actions and if there is, I would like to amend this motion to state that his name be submitted to this group for consideration.

The National Association, I believe, is named after some individual, I don't know what it is now. I did know at one time. I do think it ought to be submitted.

THE CHAIRMAN: Mr. Berry, would you like to put all of that together into one motion?

MR. DOYLE BERRY: All right.

THE CHAIRMAN: Mr. Luttrell.

MR. CLAY LUTTRELL: I would like to comment. I don't think that he intended that we wouldn't

issue a letter of commendation also.

MR. DOYLE BERRY: No, I just submitted it to the present motion. I added to it.

THE CHAIRMAN: You have heard the motion as amended.

Any objections? (No response)

Hearing none, so ordered.

(Text of the resolution
is here made a part of
the record.)

WHEREAS, on August 23, 1973 Mr. Ernest Williams, an employee of Louisiana Wild Life and Fisheries Commission, while driving near Pitkin, Louisiana, saved Sanders Coker, an eight year old boy, from drowning, and

WHEREAS, the actions of Ernest Williams demonstrate outstanding presence of mind, generosity, courage, and service to a Louisiana citizen,

NOW, THEREFORE, BE IT RESOLVED that each member of this Commission and the Director hereby commend Ernest Williams for his extraordinary action on August 23, 1973, in saving the life of young Sanders Coker and hereby acknowledge that his actions have earned him the highest esteem and praise from this Commission, its Director and all fellow employees.

THE CHAIRMAN: Mr. Angelle, we are now at a point where the next item and last two items for consideration are adoption of guidelines and procedures for administration of the Natural and Scenic Rivers System Act. At this point, I believe it would be proper to either read or comment on a letter received this day from the Director of the Department of Public Works and Mr. Angelle if you will handle it, I will just call on you.

MR. J. BURTON ANGELLE: You want me to read the letter prior to going into that.

THE CHAIRMAN: I think it would be appropriate to either read it or paraphrase it first. Don't you have other comments by other agencies in addition?

MR. ANGELLE: We have numerous correspondence not only from Public Works or from individuals but we have a lot of correspondence in this. I think they all need to be taken into consideration. We can either do it first, during or right before or after.

THE CHAIRMAN: Well, the letter from the Department of Public Works was received this day and we haven't actually read and digested the contents of it so would you please read it, sir.

MR. ANGELLE: All right. This is a letter from Mr. Roy Aguiillard, Director of the Department of Public Works, addressed to me, Louisiana Wild Life and Fisheries Commission, and the

letter goes on to state that "A recent newspaper notice has been brought to our attention your proposed establishment of guidelines and procedures for the administration of the Natural and Scenic Rivers System Act, R.S. 56:1841-1849. We have obtained a copy of these proposed guidelines and wish to present our views and recommendations to your Commission for your consideration before your adoption of the regulations.

The Act designates the Louisiana Wild Life and Fisheries Commission as Administrator of the System and provides for the establishment of rules and regulations whereby any proposed use or consideration must be fully evaluated. The Act goes on to state in Article 1849 that nothing contained in this Chapter shall be construed as repealing, superceding, nullifying or detracting from the powers of any agency which may have jurisdiction over any of the rivers or streams in the system.

The Louisiana Department of Public Works is charged with the responsibility for the orderly development of the water resources of the State and has been designated by the Governor to represent the State in coordinating Federal-State projects and programs committed to provide the improvements necessary. The review process proposed does not provide for coordination of the evaluation process with this department. Clarification of the effect the proposed guidelines and procedures would have

on the authority of other state agencies referred to in Article 1849 is needed.

Section 5 of the proposed guidelines entitled "Use of Tributaries and Distributaries" is extremely broad. The indicated restrictions do not provide sufficient recognition of private rights and development and could easily be construed to mean the entire watershed of any river or stream in system. By imposing these restrictions, all developments and programs anywhere near the system would be placed under jurisdiction of the administrator. This is clearly not the intent of the Act. We do not believe the preservation and protection of the wilderness and scenic qualities of the system intended to stifle all development in the surrounding areas and infringe on the rights of adjacent and contiguous landowners without scenic or surface agreements as required by Article 1847.

Proposed conditions for appeal do not appear to provide any latitude for consideration in the event an applicant does not feel he has been dealt with fairly. The absolute powers of the administrator would appear to be restrictive.

There are several other points that deserve a more realistic consideration if Louisiana and its residents are to be able to utilize the system so as to enhance rather than deter

its development. Such terms as "normal" may prove to be too arbitrary to provide adequate consideration of private landowners' needs. In some instances, "normal" includes Class A uses which are prohibited.

We fully appreciate the efforts and considerations which have gone into these proposed guidelines and commend you for this work. We would also appreciate your consideration of the points raised which are presented for the purpose of providing constructive comments, not just criticism. Since the interpretation of this Natural and Scenic Rivers Act by the general public and individuals has already resulted in confusion and delays to some projects which are beneficial to the state, it is recommended that no action be taken to adopt the guidelines until all controversial points have been resolved. If we can be of service to you in further development of the guidelines, we will be pleased to cooperate." Signed, Roy Aguiard, with a copy to the Governor of the State of Louisiana.

MR. JIMMIE THOMPSON: Do you want somebody to say something? My views on this letter? Personally, I apologize to everyone here in the room for being tardy today and as an alibi, I would like to tell you that we did receive this letter and several others right at the moment that we were supposed to convene here

in this room and this is my apology to you for being so late.

We have two gentlemen here from Concordia Parish whom we have been putting off so to speak. We haven't really. We haven't known what to do about a request that they have that directly touches on the Scenic Rivers Act as well as a development of a watershed project in Concordia Parish. It would be my desire that we consider the guidelines that we have already been presented and that have been advertised for one month and I certainly hope for one that we will adopt these guidelines understanding full well that they can be changed and altered in the future because if we do not adopt these guidelines this morning which possibly we will not vote to do anyhow there is no way that we can consider the request of these two gentlemen from Concordia Parish who represent the Police Jury, etc. I personally would like to vote while what I vote for may not be exactly what they want. I still would like to have the opportunity to vote and I hope that we will consider and ask Mr. Martinez to come to the microphone and go into the Scenic if it meets with the rest of you all's approval.

MR. CLAY LUTTRELL: I heartily agree with Mr. Thompson's point of view and I think that we need to give these people an answer. I certainly hope to be able to vote one way or another this morning on something for these people to carry back home with them.

THE CHAIRMAN: Gentlemen, the Concordia Parish Police Jury's request, I think we would consider after we have adopted the guidelines or decide not to adopt the guidelines. With regard to the request of the Department of Public Works, however, I would like to have all of you express some feeling about whether or not we should defer to the request of the constitutional department of this state or whether it would be better to go ahead and adopt guidelines, tentative though they may be and modify them if necessary after further consideration. Mr. Thompson has expressed the thought that we should proceed.

MR. JIMMIE THOMPSON: My answer at the time--perhaps if I put that in the form of a motion that we go ahead and consider the adoption of these guidelines with due consideration and full recognition that they can be altered in the future. I would like to put that in the form of a motion and if we concur that would be expression.

THE CHAIRMAN: All right, gentlemen. You have heard the motion of Mr. Thompson.

MR. DOYLE BERRY: Second.

THE CHAIRMAN: Seconded by Mr. Berry. Any discussion?

MR. CLAY LUTTRELL: I ought to say this. The wording of this might mean that we couldn't adopt any guidelines for many, many,

many years to come if no action be taken to adopt the guidelines until all controversial points have been resolved. As we resolve points that are in existence now, there will be other points that will come up before those are resolved and we would always be resolving controversial points. I think that we should go ahead and adopt the guidelines as a beginning and resolve controversial points as they come up. I heartily agree with Mr. Thompson.

THE CHAIRMAN: All right, gentlemen. Any further discussion? Do you wish to vote?

MR. CLAY LUTTRELL: Question.

THE CHAIRMAN: Call for the question. All right. All those in favor of the motion signify by saying aye. All opposed, no. Motion is carried.

THE CHAIRMAN: Mr. Gerald Martinez, would you please give us a rundown on an analysis of the guidelines as you have presented them as a draft form.

MR. GERALD MARTINEZ: Thank you, Mr. Chairman. The guidelines and procedures were prepared in an effort to conform the procedures to administer the act with the administrative procedure act in the statutes. Do you care for me to read the guidelines or just briefly discuss what they do?

MR. JIMMIE THOMPSON: Will you state by whom?

MR. GERALD MARTINEZ: By whom, what?

MR. JIMMIE THOMPSON: The guidelines were put together.

MR. GERALD MARTINEZ: The guidelines were put together by the attorneys for the Wild Life and Fisheries Commission, and representatives from the Governor's Council on Environmental Quality, State Parks and Recreation Commission and the State Planning Office. All of them met for the purpose of reviewing the proposed guidelines and the present suggested guidelines are the result of that meeting and many, many other meetings to have these guidelines. I would like to comment that these guidelines have been the subject of extensive scrutiny and have been well discussed prior to being submitted to the Commission. I would also like to comment about the suggestion that there be a delay. Again, these things have been thoroughly scrutinized and we have attempted to work out all of the kinks but there may be a few left. I don't think there are. The Act requires certain things I think we have conformed to the Act with these guidelines.

MR. JIMMIE THOMPSON: That's what I wanted to know. I didn't want anyone to get the impression that we would just arbitrarily adopt a set of rules. There was a lot of thought gone into this with due consideration and falling back, of course, again that we will reconsider at the proper time with the Department of Public Works.

MR. GERALD MARTINEZ: I would like to point out further that these guidelines were, that assistance was given to the Commission by the Sea Grant research people from the L. S. U. Law School who helped a great deal in the preparation of these guidelines. These guidelines have been thoroughly worked over.

MR. J. BURTON ANGELLE: We have also received input from our technical people within Louisiana Wild Life and Fisheries Commission who met with these people and provided technical assistance.

MR. JIMMIE THOMPSON: I just wanted to clear the air that we were going to adopt because in lieu of the request of Mr. Aguiard that we were just going to go ahead and adopt some rules and regulations that were-- Just on surface adopt it, but there has been a lot of thought put into this and I think now would be the proper time to consider them. We may not vote for them but it is the time to consider them.

MR. GERALD MARTINEZ: Yes, sir.

THE CHAIRMAN: Do you wish to make any further comment?

MR. GERALD MARTINEZ: No, not at this time.

THE CHAIRMAN: I would like to ask a question of you with regard to the provisions of Paragraph 25. As I appreciated your comments, you are not planning to read the whole of this, were you?

MR. GERALD MARTINEZ: I was not, but I would if--

MR. JIMMIE THOMPSON: I definitely think that they should be read. While I have had the opportunity to read them and everyone

here on this Board, there are a lot of people in the audience who may have not had the opportunity, particularly, the news media. I don't think they have had this opportunity and I think they should be available to them. I request that they be read.

MR. DOYLE BERRY: I think it would be a waste of time. Couldn't we just give them a copy of them, Jimmy, instead of going through this long ritual of reading this thing.

MR. JIMMIE THOMPSON: Why don't we just ask. Is there anyone who would like to have a copy in lieu of them being read at the present time? Would that suffice? That will suffice. No objection. Then it would be all right with us.

MR. GERALD MARTINEZ: Do you want me to comment, Mr. Chairman, about No. 25?

THE CHAIRMAN: Well, before that let me ask you if you would do this for the benefit of the audience. Would you please quickly paraphrase or summarize the paragraphs of this suggested draft? I think that would suffice for our purposes and it would at the same time we will adopt the whole of it, word for word, as prepared or as modified and then the press can have copies of it.

MR. GERALD MARTINEZ: All right, Mr. Chairman. The different sections. It begins with a preamble which identifies why these regulations are being drafted or being adopted rather and mainly to administer the Act and to conform with the administrative procedure act. The next few sections deal with the appointment

of an administrator and adequate personnel to administer the Act. The next section traces the purposes of the system as provided for in the statute. The purposes included in the guidelines word for word out of the statute.

The next section deals with the use of rivers within the system. I would like to read that. "No significant use shall be made of the rivers and streams designated by R. S. 56:1846 without a permit issued by the administrator in accordance with these guidelines and procedures.

Next section says that tributaries and distributaries will not be included within the act and are not to be considered under these guidelines and that permit shall not be required for the use of tributaries and distributaries.

The next section lists the four uses which are strictly and absolutely prohibited and these are channelization, clearing and snagging, channel realignment and reservoir construction. These are absolutely prohibited by the act and they have been included as absolute prohibitions in the guidelines.

The next section calls for full and thorough evaluation of all other uses of the system. Uses which are not absolutely prohibited which may be detrimental to the system and, therefore, these uses are thoroughly evaluated

before a permit can be granted. The different parameters which are considered in the evaluation of the permits for use of a scenic river are as follows: Wilderness qualities, scenic values, ecological effects, recreation, fishing, wildlife, archaeological, geological, botanical, water quality, and other natural and physical features and resources. In order to use, make any significant use of the Act, a petition is required. A petition setting forth the intended use and its exact project description, plats of the area to be effected and other information necessary for full evaluation. The administrator will then make an initial determination as to whether or not the application is sufficient. If not, he will return it to the applicant with comments as to how to supplement the application to make it complete. The administrator will then forward copies of the application after it is complete to the State Parks and Recreation Commission, State Planning Office and the Governor's Council on Environmental Quality.

The role of the various agencies are as follows:

The Wild Life and Fisheries Commission is to consider the following parameters: Fish, wildlife, ecological effects, botanical, geological, water quality, other natural and physical features and resources. The role of the State Parks and

Recreation Commission will be to consider the wilderness qualities, the scenic values, the recreation and archaeological parameters. The role of the State Planning Office shall be to consult with the Wild Life and Fisheries Commission and be available for comment on all of the parameters enumerated above.

The Act provides for prompt action on these petitions because it was felt that we did not want to have any delays so we built into these guidelines a certain delays in which the petition must be granted.

After the administrator receives the evaluations, he is to get from the various agencies: The Wild Life and Fisheries Commission, etc. He must wait a mandatory thirty (30) days before making a decision whether or not to grant the permit.

During this thirty day period, the administrator shall cause notices to be published in all newspapers in the areas where there is a reason to believe that there would be an interest in the proposed use. The notices shall contain a description of the proposed use and the administrator will invite and encourage public comment. If the administrator feels there is sufficient concern expressed regarding any particular project, he can or may call for a public hearing.

The administrator must make a decision to grant or deny the permit within 15 days after the adjournment of any

hearing. If there is no hearing, he must make a decision within 15 days after the mandatory thirty day waiting period is expired. That is within 45 days after the permit has been approved as complete.

The administrator has the authority to grant or deny the permit. If the permit is denied there are extensive appeal procedures in the Act which I would like to say does not conform, does not agree with Mr. Aguillard's letter. He suggested they are not but the Act does have extensive appeal procedures here.

The appeal is first to the Commission as a whole and then to judicial review so anyone who feels that they have been unfairly treated by the administrator does have extensive availability for appeal. This actually is in conformity with the Administrator Procedure Act.

I believe that covers the Act part of the guidelines, Mr. Chairman. Are there any questions? I'll be happy to answer any questions.

THE CHAIRMAN: Mr. Martinez, I would like to ask you with regard to the provisions of Paragraph 25. This proposed draft states that upon specific authorization of the administrator or the legislature the evaluation required by Section 7 can be

waived. This is in the event of emergency conditions, emergency circumstances. I wonder if it might not be-- this wording of possibility of abuse might exist to the point where everything would become an emergency and, therefore, the effect and intent of the Act might be circumvented by simply declaring it an emergency and, therefore, not making the evaluation. I wonder if it might not be better to have the evaluation be made so as not to ever have anyone criticized from that standpoint but to waive instead the procedural delays. I wonder if it might not be better or more effective and less subject to criticism if the procedural delays were to be that part that could be waived by the administrator in the event of an emergency. I might even suggest this, excuse me for my interruption for another minute, we might consider in the alternative or both of them. In other words, I might paraphrase this sentence and say the evaluation required by Section 7 and/or the procedural delays provided in Paragraph 16 and 17 and 19 can be waived under the emergency conditions.

MR. GERALD MARTINEZ: I would think that an and/or situation might be acceptable. The reason the provision is in here is in case of real emergencies where the scenic rivers may have to be used for emergency reasons. Now, offhand, I don't have any to

suggest any emergency situations in which the evaluation would not or could not be made or that there would not be time to make such an evaluation. Maybe there are such examples in the audience but the purpose of this is for-- The Sections reads:

"Provided however that the administrator can only authorize a waiver in emergency circumstance clearly appearing from the face of the applicant's petition. This is to allow the scenic river to be used in a sincere and actual emergency situation where there might not be time to make an evaluation and it might be necessary to waive an evaluation."

THE CHAIRMAN: Do you agree then that perhaps an and/or situation might be a solution.

MR. GERALD MARTINEZ: Yes, sir. There may be times when there would be time for an evaluation but not the delays where there may be other times where there wouldn't be time even for the evaluation for an emergency use of a river or any of the system.

MR. CLAY LUTTRELL: Emergency situation, such as?

MR. GERALD MARTINEZ: Again, I don't suggest any at the present time. I don't know of any.

MR. JIMMIE THOMPSON: You've got the answer. Marc, what you are saying is someone unscrupulous may interpret an emergency in a

lenient manner and you want to protect against this. Don't worry about it. Sierra Club will take care of it. (laughter)

MR. GERALD MARTINEZ: I would think that the and/or provision would be a solution, Mr. Chairman.

THE CHAIRMAN: I have some personal reservations with regard to the wording of Paragraph 24 but I won't make an issue of it at this time. I think there will be ample opportunity in due course to protect the riparian landowners' rights and to be sure that this Act is not interpreted so as to abuse the rights of ownership of property. At this point I think it might be appropriate to ask for comments from the gentlemen in the audience with regard to suggested changes of wording and I would like to call on Representative Ed Scogin.

REPRESENTATIVE ED SCOGIN: Mr. Chairman, Members of the Commission, ladies and gentlemen, I'm Ed Scogin. I represent lower St. Tammany Parish, State Legislature, and I want to commend Mr. Martinez and the other people involved in putting together the guidelines and procedures for the administration of the Natural Scenic Rivers Systems Act. I think it is high time.

It was my impression all along that, of course, the Wild Life and Fisheries Commission were the administrator of it as it presently stood. I've gone through the thing pretty

thoroughly and I think it's pretty well put together. I have also had some discussion with the Department of Public Works, Mr. Art Theis, and several other people up there and, frankly, I think that they are probably opposed to the whole thing.

There are a few comments I would like to make on particular sections and I will get to the section Mr. Dupuy was speaking of. I'm going to skip most of it all the way down to-- It looks real good to me and I have had meetings with quite a number of people in my area. As a matter of fact, brought some recommendations from one this morning and turned it in.

In Section 14, Time limitation for evaluation for resubmission to the administrator remand, I'm sort of leary as to whether or not 30 days would be sufficient time if you've got to have evaluation by the personnel of the Wild Life and Fisheries Commission, the State Planning Office, the Governor's Council on Environmental Quality and State Parks and Recreation Commission, shall be conducted within 30 days. That's a very limited time to give all of these agencies time to evaluate the permit application or whatever it may be. That's very limiting. I was wondering if that might be increased to 45 or possibly 60 days.

MR. DON WILLE: How about 30 days per agency?

REPRESENTATIVE ED SCOGIN: That would extend it a little too far, I believe. I think probably if you would consider extending it to 45 or 60 days. It takes some while for each of these agencies in state government as I think most of you gentlemen know, to kind of get the thing cranked up and the wheels turning. I think that asking all of them to do this in 30 days is somewhat limiting on that. I would suggest either 45 or possibly 60 days which would give them a more lengthy time to do it. In here you have provided, however, that the administrator can grant additional time for an evaluation for good cause. That is a safeguard that you have in there already but I was wondering if the 30 days, the reason I suggested 45, was enough to begin with and leave the provision in there is good cause for delay. Thirty days is a pretty short period of time, however, this one is not that direly important. I just thought possibly it was something that might need consideration in that particular section.

MR. JIMMIE THOMPSON: Mr. Scogin, my feelings are that we are mired down now in bureaucracy and red tape and I personally would like to leave the thirty days in there.

REPRESENTATIVE ED SCOGIN: It's OK with me. It was merely a suggestion.

MR. CLAY LUTTRELL: I would like to comment on that. When you go longer than 30 days things have a habit of getting under other papers and getting lost and then once they are lost you almost have to start issuing a new 30 days another 30 days and a new 45 days and I would like to leave it at 30 days.

REPRESENTATIVE ED SCOGIN: OK. That's fine with me.

MR. DOYLE BERRY: The best man today labors constantly under the bureaucratic process for these time restrictions. I would really say cut it to 15.

REPRESENTATIVE ED SCOGIN: Perhaps the 30 days might make them move a little faster.

MR. DOYLE BERRY: I'm tired of this bureaucratic process.

REP. ED SCOGIN: Waiting period and public dissemination. Well, you have during this 30 day period the administrator shall cause notices to be published in all newspapers in areas where there is a reason to believe there would be an interest in the proposed use. I would suggest that that be in the first week. It is quite possible that there could be a delay to the 29th day of the 30 days. In other words, after the administrator receives the evaluations, he shall wait a mandatory period of 30 days before making a decision whether to grant or deny a permit. During this 30 day period, the administrator shall cause notices to be published in all newspapers in areas where there is reason

to believe there would be interest in the proposed use. I think possibly that might be changed to the first week. It could happen on the 29th day of the 30 day period. That is merely a suggestion again that this would in the first week.

Now, on the hearings, I see nothing in here that says that the hearings should be held locally, that is, in the area that would be affected. It appears to me from the section that I am reading here that no designation is made as to where that you might be dealing with something in St. Tammany Parish and the hearing might be in Alexandria. Something of that nature. I think possibly it should be stipulated that the hearing be held in the area that is affected locally. I don't think that would be any real problem to straighten out. Where it says public hearings, if there is significant public interest, etc., the public as a result of the dissemination required, the Administrator may schedule a public hearing on the petition after giving reasonable notice to the applicant to all persons who request in writing, etc., but it doesn't designate where hearing shall be conducted. I think maybe if it was stipulated that the hearing be held locally it would certainly be better.

MR. CLAY LUTTRELL: I would like to comment on that. Sometimes when you go to have a local hearing you have to carry so much equipment and persons come up in which you haven't foreseen,

you haven't carried along with the the information you have in the central office. You ought to designate a place that might be more reasonable to designate the headquarters.

REPRESENTATIVE ED SCOGIN: Well, then possibly, Mr. Luttrell, that could possibly be maybe in the area where you do have this stuff that nearest to that effect. Certainly, we wouldn't want to have a hearing in Shreveport on something in southeast Louisiana or Alexandria or somewhere. Of course, New Orleans would be adequate for us but there are other people that might feel that a local hearing or possibly two hearings.

MR. JIMMIE THOMPSON: I feel the same as Mr. Luttrell. I personally would not want to restrict Mr. Angelle, whom I'm going to propose to be the Administrator, in having to have it in a certain area but I certainly think that the pressures that exist in the world today would demand that it be in certain areas under certain conditions but I wouldn't want that to be a hard and fast rule. I would prefer to leave it as is.

REP. ED SCOGIN: What I was getting at is that possibly in some cases people may not be able to-- there may be some hardship involved in traveling great distances.

MR. JIMMIE THOMPSON: Well, there may be hardship on both sides but in any event if Mr. Angelle doesn't do it properly, we'll get a new director.

REPRESENTATIVE ED SCOGIN: And, again, these are merely suggestions.

MR. JIMMIE THOMPSON: I would like to leave it as is.

REP. ED SCOGIN: All right. In Section 21, Conditions to the granting of a permit. I don't see anything in there that calls for authority for on-site inspections while the work progresses to insure compliance. I would think that possibly it might be a good idea to look at that and see if there is any authority for on-site inspection while the work progresses just to insure compliance, in Section 21. These are merely suggestions that I've looked at that possibly might be an improvement.

MR. JIMMIE THOMPSON: I hope you don't think I'm just purely against you but may I point out to you that there are no funds allotted whatsoever to my knowledge to implement any type of surveillance or whatever. I'm sure that probably down the road they will be but there again I would not want to be tied to that we would have to and not have the money or personnel, etc. You follow me?

REP. ED SCOGIN: Yes.

MR. JIMMIE THOMPSON: As I say, I'm not against you.

REP. ED SCOGIN: These are merely suggestions and if Burt continues to work on the legislature and I continue to help him

maybe we will get a little more money to--

MR. JIMMIE THOMPSON: Do you follow through with my rebuttals to you?

REP. ED SCOGIN: Certainly.

MR. JIMMIE THOMPSON: In the vein that I'm rebutting to you, please.

REP. ED SCOGIN: That's quite all right.

MR. CLAY LUTTRELL: I'd like to say this along with Mr. Thompson. If you will help get some money, then we'll help you get some surveillance. (laughter)

REP. ED SCOGIN: We're going to do all we can. You can bet on that. In Section 22, Applicability of this Part, we get to the sentence, the second sentence, "This Part shall also apply to uses proposed to be undertaken by federal agencies "Whether or not concurrence," I don't know whether the sentence should just stop there. You say, "where any concurrence, authorization, or matching funding is provided or required to be provided by any state agency, local governing authority, etc." I would think that possibly "whether or not" might be better than "where any." Whether or not concurrence, authorization, or matching funding is provided or required to be provided by any state agency, local governing authority, political subdivision, or special district of the State of Louisiana. What you are doing there in effect might be excluding them under certain circumstances

but this part shall also apply to uses proposed to be undertaken by federal agencies but only where any concurrence, authorization or matching funding is provided. Are you saying that they supercede you otherwise? That there is no matching funding required? I'm thinking that the words "whether or not concurrence, authorization or matching funding" might be more proper than "where any." If we don't say this, we are saying that we only have to reply to them in cases where matching funding is required and might be saying that if no matching funding is required, they have a free hand to do as they please. I think possibly that either I would strike that totally "where any concurrence, authorization or change "where any" to "whether or not." This again is merely a suggestion.

MR. JIMMIE THOMPSON: I believe I'm on your side. Now you are down at 22, second paragraph. I mean the portion you want to change is authorization or cooperation whether or not any concurrence. Give me that exact wording.

REP. ED SCOGIN: I have whether or not concurrence, authorization, or matching funding instead of where any.

MR. JIMMIE THOMPSON: Well, that's so stated in--

REP. ED SCOGIN: This says this Part shall apply to uses proposed to be undertaken by federal agencies where any concurrence so

you are therefore saying where concurrence is not required that they would not have to be under unless you change that to whether or not. You are saying under certain circumstances that they are not liable.

MR. JIMMIE THOMPSON: Only place I didn't know whether I was with you was down and further where it goes to the private person, organization, or corporation, whether or not.

REP. ED SCOGIN: That's all right with me.

MR. JIMMIE THOMPSON: What you are saying and my interpretation is the federal part of it. In other words, this "whether or not" does not include the federal part. In other words, this whether or not I am reading here only applies to private persons, organizations or corporations.

REP. ED SCOGIN: No. I am on the second sentence. Whether or not.

MR. JIMMIE THOMPSON: I know but I'm ahead of it.

REP. ED SCOGIN: Yes. Yes. I have no objections to it.

MR. JIMMIE THOMPSON: I'm thinking that includes the above but now I see that maybe that does not include it. Am I right, Mr. Martinez?

MR. GERALD MARTINEZ: If I might comment on that, I don't think we can assume jurisdiction over the federal agencies.

MR. JIMMIE THOMPSON: I'd like to.

MR. GERALD MARTINEZ: I know you would like to but I don't know if we have the authority to assume jurisdiction over federal agencies dealing with navigable streams in the State of Louisiana. We may, but I don't think we do.

MR. JIMMIE THOMPSON: We don't know, we just have a may?

MR. GERALD MARTINEZ: I would have to say we don't. I say we don't.

MR. JIMMIE THOMPSON: I'm a gambler. Let's try them. I'm on your side.

REP. ED SCOGIN: I think it ought to be in there.

MR. GERALD MARTINEZ: Well, I think you are going to run into some trouble with the federal agencies when they want to go ahead and use a stream on a completely federally funded program. They are going to go ahead and use it, I would assume.

MR. JIMMIE THOMPSON: Well, if they are going to do it anyhow, let's tell them to do it over our objections.

MR. GERALD MARTINEZ: As I understand it all of these rivers and streams are navigable.

MR. JIMMIE THOMPSON: Look, if they are going to do it anyhow, that's what you are telling me, let's let them do it over our objections.

REP. ED SCOGIN: That's what I'm saying. I'll be with them to go to court.

MR. JIMMIE THOMPSON: I'm on Mr. Scogin's side.

MR. CLAY LUTTRELL: I would like to protest. I'm on your side.

REP. ED SCOGIN: Thank you, sir. Also, now the word "normal" on page 8, Determination of uses as to whether normal or not normal, I was wondering if somewhere along the line we might determine a little more clearly what would be called a normal use or a use that's not determined as normal on the thing.

This again is merely a suggestion that perhaps somewhere along the line as you modify this you might more clearly define the use of normal or something that you consider is not normal on the thing. This is merely a suggestion.

MR. DON WILLE: It would be determined by the administrator. Is that right? After he consults the landowner. Am I in the right paragraph?

MR. JIMMIE THOMPSON: When you put one thing down that's not normal then you have millions of things that you have to list. I would just rather say normal and not list. You have accomplished it all when you say that. Now the interpretation can be more but I would personally rather not put anything. If you put one, you will have to put a million. Then we've got twenty-five bound pages.

REP. ED SCOGIN: With these suggestions I'm getting answers that I consider are good answers and I agree with you.

REPRESENTATIVE ED SCOGIN: In the section that Mr. Dupuy discussed: The waiver of evaluation, where you say "upon the specific authorization of the administrator, or the State Legislature." I would like to know who would supercede.

It would be my personal feeling that the administrator should have total and final say. I would be under the impression, I'm not saying that it would happen, that there could be occasions where the State Legislature might be contacted without even contacting the administrator declaring an emergency and not really know a whole lot about the situation. I would think that possibly the administrator, rather than the State Legislature. I don't think that-- unless, of course, that's very ticklish. Now, I want to tell you about an emergency, when you were discussing it. After Hurricane Camille in my parish, there are five rivers that go through the Honey Island Swamp: West Pearl, West Middle, Middle Middle, East Middle, East Pearl, and these are all connected by a system of bayous and streams. All of them were totally covered up with trees and whatnot from Hurricane Camille and, of course, as President of the Police Jury at the time, I took crews in these areas and saw trees and things and whatnot out of the way to make these streams possible. This is an emergency, an extreme

emergency, in a case like this. That was, someone wanted to know what an emergency could be. However, I think possibly you were referring to an emergency permit for a particular type of work. I think probably that maybe the administrator ought to be the one that determines rather than the Legislature. I don't feel that the Legislature should be involved in the thing. In a case where it's merely a permit.

MR. JIMMIE THOMPSON: Well, there again, it's a matter of courtesy to you gentlemen. I think it ought to be left in. I don't think on an emergency would certainly be a timely thing and would happen momentarily and probably the administrator would be the only one that would ever be called upon but I think as a courtesy we should leave it as it is.

REPRESENTATIVE ED SCOGIN: Well, it is a courtesy and, of course, I'm sure the Legislature will appreciate that. The only thing that worried me was that possibly in some cases whoever it might be is seeking to do whatever it might be, might contact members of the Legislature that might influence legislation and might possibly bypass the administrator.

MR. JIMMIE THOMPSON: Well, that would take a lot of time and would take some doing. I have no objection to that. That's right if the Legislature is not in session. Even if they are in session, you couldn't in a state of emergency you couldn't convene and get a reply immediately.

REPRESENTATIVE ED SCOGIN: Let me ask this of Mr. Martinez then concerning this. Let's say upon a specific authorization of the administrator. Let's say that a permit was denied by the administrator in some particular case and these persons bided their time until such time as the Legislature did meet and did a good bit of the lobbying in the meantime. It's quite possible. I don't say that it would happen. It's possible that it could happen on the thing. At any rate, who supercedes who on the thing is the thing that was bothering me there.

MR. GERALD MARTINEZ: If I might comment, I think the purpose of that Section is hopefully the administrator would be the first one contacted in an emergency, but there are cases where there would be a general state of emergency and the Legislature would declare a waiver of such provisions as this and we want to give the Legislature authority to waive evaluation in the event they make general waiver of all provisions.

MR. JIMMIE THOMPSON: Plus the fact that the administrator may be out of pocket.

REP. ED SCOGIN: That's possible too. That's all right. This again is merely a suggestion. I'm getting answers. That's what I came here for. I think that other than that I think the Act is pretty well put together and certainly I am very much in favor of it. I think it's probably long overdue as far as really getting something that we can put our teeth into to properly administer the Act as it should be administered and

I want to commend all of you gentlemen who put it together and certainly the Commission for the standard apparently it is going to take. Thank you very much.

THE CHAIRMAN: Thank you very much, Representative Scogin.

Any other ladies and gentlemen in the audience that wish to make comment?

Mr. Veillon would you take the microphone, please?

MR. EDGAR VEILLON: Thank you, Mr. Chairman. I would just like to make a very general statement that I think the guidelines were very thoroughly considered. Louisiana Wildlife Federation is completely satisfied with it as it is. I would just like to reiterate what Mr. Scogin said. If the prescribed administrator is allowed to administrate, I think we are going to be OK. Thank you.

THE CHAIRMAN: Thank you very much. For the record, this is comments by Edgar Veillon, President of the Louisiana Wildlife Federation.

Would anyone else like to say something?

Yes, sir. Would you state your name please and whom you represent when you begin to speak.

MICHAEL OSBORNE: I'm Michael Osborne and I represent the Delta Chapter of the Sierra Club in it's 900 or more members in all parts of the State of Louisiana.

First, we have a question and it deals with paragraph 26, perhaps this could be more properly addressed to your counsel. It appears to us that the way 26 now reads, the appeal process applies only where there has been a public hearing. If there is an applicant or any person who participates either orally or in writing at a public hearing under Section 17 shall be entitled to an appeal and my question is whether a person has a right to appeal if the Commission decides to have no public hearing. If I submit a permit or an application for a permit and I feel that the Commission has arbitrarily denied my permit, do I have a right to appeal.

MR. GERALD MARTINEZ: It was intended that anyone who does not feel they had a fair treatment by the administrator would have the right to appeal as I read this with Mr. Osborne. You are dealing with No. 26, is that right? His interpretation is a possible interpretation under that Section, but the intent was that every person who has a ruling from the administrator would have the right to appeal that ruling not just those who have been granted a public hearing. It's possible that this language would have to be changed. As I read it, it does provide that. It says an applicant or any person who participates either orally or in writing at a public hearing would have the right to appeal. It is not as clear as I think you would like it but I think it

does provide any applicant and I guess the word "the" should be changed to "any" applicant or any person who participates either orally or in writing at a public hearing. The intent was to give the applicant and persons who participate in public hearings a right of appeal.

THE CHAIRMAN: Jerry, I believe his question related to what happens in the event there is no public hearing called.

MR. GERALD MARTINEZ: That's what I'm trying to answer. I think any applicant would cover any person whether a public hearing was held or not. This is intended to give the applicant or any person who participates in a public hearing whether they are an applicant or not the right of appeal.

MR. JIMMIE THOMPSON: Well, you also in your paragraph 27, you say any person exercising his right of administrative appeal as provided in Section 26.

MR. GERALD MARTINEZ: Does that refer back to 26. If 26 is not clear, then 27 would not follow.

THE CHAIRMAN: What you are saying in essence is that if a man is not the applicant and no public hearing has been held then where--

MR. GERALD MARTINEZ: He has no right of appeal. He is not a party to that particular application.

MR. MICHAEL OSBORNE: I would like to see some provision. Take a hypothetical situation. A man applies for a permit to fence off part of a river to keep fishermen out of it and say the Commission grants him that permit. I would like to have the right to appeal that decision as me a fisherman and just because the Commission decided not to have a public hearing as the proposed amendment reads I would not be permitted any appeal. I would only be permitted an appeal where there is a public hearing. I think the appeal process ought to apply to all applicants or people that participate in any part of the process. I don't see much reason for restricting it to the public hearing situation. Probably, you won't have too many public hearings.

THE CHAIRMAN: I can foresee a substantial delay that could arise and really in effect render the Act ineffective and unenforceable if anyone had a right to appeal any decision that has been made by the administrator whether it is of sufficient public interest to cause a public hearing to be held. If a man is not the applicant and it hasn't enough sufficient interest to have a public hearing then things ought to proceed right on through with regard to the expeditious handling of the permit. If anyone can come up and delay or ask for an appeal, then we may never reach a decision.

MR. GERALD MARTINEZ: That is a real possibility that if you grant the right to appeal to everyone who writes in without a public hearing, you are going to wind up with a situation where one man may write on every application and appeal every application and the full intent of these guidelines is to expedite the petitions and the permits rather than to delay them and also to administer the Act and to protect the natural and scenic rivers.

MR. MICHAEL OSBORNE: I have great confidence in the administrator of this system to expeditiously handle appeals and to summarily refuse or deny an appeal that is frivolous or unsubstantial appeal.

MR. GERALD MARTINEZ: If there is enough public interest there will be a public hearing and anyone who participates in it either orally or in writing will have a chance at an appeal, otherwise it will simply be the applicant who would have the right to appeal.

MR. MICHAEL OSBORNE: Let me make one more comment. I'm afraid if you have provisions that give only one side the right to appeal, you see, there is only one person that has the right to appeal in the normal situation and that is the applicant. You are not treating everyone fairly. You have an unfairness in your rules which might be fatal defect and I hate to see that.

MR. CLAY LUTTRELL: I have a question that I would like to ask. If this hypothetical violation you are talking about is of enough interest, is of enough importance the public is never denied the avenue of the courts and certainly they would use that appeal through the courts. Now if it's some little petty thing, I don't believe that this Commission could meet as often as would be required for every person in the State of Louisiana to come down and appeal the decision of the administrator for our group to meet and consider it. I see nothing wrong with it as it is. I'll be frank. If it has gravity in the importance what you are suggesting he would certainly go to court with it and that avenue is open to everybody at all times. Am I right?

MR. MICHAEL OSBORNE: I would like to say the Commission gets a lawsuit unnecessarily I don't think that's a good thing to encourage.

MR. GERALD MARTINEZ: I think the section will provide where there is enough public interest and there will be a hearing. The rules provide that if there is enough public interest there will be a hearing. If there is a hearing and a person who participates in the hearing feels that he has been treated unfairly he has the right to appeal under this section so both sides have the right to appeal where there is a public hearing. Where there is no

public hearing and not sufficient enough public interest indicated to warrant a public hearing then the party who makes application will have the right of appeal.

MR. JIMMIE THOMPSON: I interpret this a little different.

MR. GERALD MARTINEZ: I might also point out, excuse me, I might also point out that any individual who feels that he has been unfairly treated and wants to stop a project does have the courts and the injunctive procedures of Louisiana courts available to him to stop any further action by the administrator or by the applicant.

MR. JIMMIE THOMPSON: I was just going to say that I don't want to stop the Democratic process of anything that we ever do and in reality it looks like on the surface may be this is what we are doing but as I interpret it, what you have just quoted, the appeals to the courts relieves this, suppose I'm out of town and I'm an individual, suppose I'm a Sierra Club member which I'm not. Suppose I'm out of town and I come back and learn of something that is not my wishing, my choosing, my rules and regulations and I certainly have that appeal and I certainly would want to have it under the Democratic process of our laws but I think if we leave it as is that process, that right is granted through the courts.

MR. MICHAEL OSBORNE: Well, perhaps it is and perhaps it isn't.

Look at Section 27. It says, "Any person who exercises his right of administrative appeal provided by Section 26 shall be entitled to judicial review." That seems to me that you only have that right of appeal where there has been a public hearing.

MR. JIMMIE THOMPSON: No, it doesn't say you only have that right. It just says that person has, you also have that right. That is what my interpretation would be. It's just like when we were talking about emergencies. We just didn't list them all. You are not listed if, taking you for the hypothetical scene, you were the one to have the objections. You are not ruled completely out. It just says any person.

MR. MICHAEL OSBORNE: Well, then it ought to be any person who exercises his right of administrative appeal or any person who had no right of administrative appeal. Let it then be entitled to judicial review.

MR. CLAY LUTTRELL: I contend this if nothing we put in here can deny a man of due process of law and if he wants to go to court regardless of what we have adopted here today, he can go to court. If his objection is of such a gravity, he perhaps will do that.

MR. MICHAEL OSBORNE: My suggestion is that you might want to keep the court situation from happening and have it handled in a review process within the Commission.

THE CHAIRMAN: I think maybe the answer that you are seeking is that if the man who wishes to take an opposing position rather than go through an administrative appeal, I believe his procedure would be to ask the administrator for a hearing on the matter. If the administrator considers it of sufficient public interest, then a hearing would be granted, then he would have the administrative right of appeal as provided by rules and regulations that would be adopted. If it is not of sufficient gravity, then he perhaps should not have that administrative appeal and if he thinks that his rights are still infringed upon then he has other procedures in the law outside of these rules and regulations which allow him to proceed with litigation.

MR. MICHAEL OSBORNE: We see so often, quite often, the significant public interest which comes after the decision to have no public hearing has been made. You don't realize the significance of it or what the people in the local area involved can consider significant. There is no one that can judge what the reaction of the public through the state will be on each project.

THE CHAIRMAN: These are rules that we hope to adopt and there is nothing that will keep us from amending them from time to time as our experience might dictate.

MR. JIMMIE THOMPSON: Mr. Osborne, as I see it, the gravity of the situation depends on whose ox is being gored or as Mr. Berry says, "which knothole you are looking through." Personally, I would like to leave it as it is with due respect for you. I think you have every right of appeal and you certainly have the right to appeal. I think we should leave it as it is.

MR. MICHAEL OSBORNE: I was just throwing that out as a suggestion. As I read through these regulations and compared them with the numerous early drafts, I noticed that there was one thing that was left out of the final draft and that is the enforcement provision. What about-- say, "I'm going to apply for a permit; if I don't get it, I'm going to go ahead and do it anyway because there is no enforcement provisions in this act and there is nothing in there except one provision that says you shall report violations to the Attorney General's office. Now, as we all know, the scenic rivers law does not have any specific penalty provision in it but it's implicit and I think you will agree that when the law says you shall not snag, clear, fence off the river, implicit in that is the right of this Commission for some other person to go to court to obtain an injunction to prevent a violation of the law even the act itself doesn't say what the penalty is. You always have a right to go in and

to enjoin, to make a person stop a violation of the law just like you have a law that you can't block the highway but the law doesn't say what the penalty is. We don't know what the penalty is. We go to court and let them tear it down and it seems to me that the Wild Life and Fisheries Commission's cease and desist order or whatever you call it, is the correct term. It is a moral course and some sort of notice of violation from the Commission is something that would aid the Commission in enforcement and in all fairness to a violator or a potential violator you ought to tell him when you see a violation that this is a violation of the Act, you may be enjoined by a court from maintaining this violation. You might be required to via court in a case where you say destroyed the fishing habitat by snagging and clearing to repair that and I think you will notice also you ought to say that if you fail to comply with this order then we are going to refer the matter to the Attorney General for action. So, I would suggest a provision that says where this Act is being violated the Commission shall send an order to the violator advising of (1) that it is a violation, (2) that they may be enjoined by court order or they may be required to repair it, and (3) that if the violation persists it will then be reported to the Attorney General.

MR. GERALD MARTINEZ: May I comment, Mr. Chairman?

THE CHAIRMAN: Yes.

MR. GERALD MARTINEZ: First of all, let me point out that these guidelines and procedures are for the issuance of permits. These are not for enforcement, these are for the issuance of permits. Secondly, Mr. Osborne made a very important observation. The Act does not give any specific penalties for violation of the Act. I think that is unfortunate because there is no real enforcement authority in the Act for violations of the Act. There may be some in other sections of the Revised Statutes dealing with use of waters and waterbottoms but there are no provisions for penalties for violations of this Act. It is true that the injunctive procedures of the courts of this State are available to anyone to enjoin a violation of this Act. In the guidelines and procedures we have referred such complaints, we have made provision to refer such complaints to the Attorney General's Office who in turn can issue a cease and desist order or can seek an injunction to prevent further violation of the Act. Other than that, these guidelines assume no authority to punish or in any way penalize violations of the Act. These guidelines and procedures again are just for issuance of permits and for the administration of the procedural aspects of this Act, get the Act underway and to get permits issued where necessary and not for violations of the Act. Matter of fact, I don't see any Act where we have the authority to do that.

MR. JIMMIE THOMPSON: We weren't supplied any money. Maybe if Mr. Osborne when he gets all that money for us we might can go into enforcement.

MR. MICHAEL OSBORNE: I'm not talking about something that's going to be a particularly expensive process.

MR. JIMMIE THOMPSON: If it's handled, it's expensive.

MR. MICHAEL OSBORNE: It would be 8¢ plus filling in a form. That's for first class mail.

MR. JIMMIE THOMPSON: I'm not trying to be arbitrary with you, neither was Mr. Osborne, but where is the limit. Where do you put the point of the pencil, the decimal point or the period. Where do you put it. Is it one penny or one million pennies. We didn't get any money as I understand it. Not one red penny did we get to enforce, administrate, or do what we are doing here today or anything. We are taking this on ourselves, Wildlife and Fisheries. We are taking this on as an extra load and I think our backs are already burdened with it, not that we wouldn't want to have it but we shouldn't go any further. I think it's duly stated, the process is, and how it can be handled and until such time as and I'll pick on Mr. Osborne again that we get money from the Legislature that we'll just leave it as it is. We can't enforce it. We don't have the money.

MR. MICHAEL OSBORNE: Your enforcement process consists of filling in a form that says you are in violation in connection with. You can fill this out in less than five minutes.

MR. JIMMIE THOMPSON: That's right but where did we get that information. Who went out and found that in the field? Who came in and told us? Who made the report? Who drove the car and who furnished the gasoline for us to know there is a violation?

MR. MICHAEL OSBORNE: Let's take this situation. What are you gentlemen going to do when I come in and say I want a permit to fence off the river? It's such a good fishing hole and I want it for me privately. And, you say, you can't have a permit to do that and I do it anyway. Something you know about it, and so it seems to me you need some provision for saying, "All right, you are in violation of this Statute."

MR. JIMMIE THOMPSON: You'll take care of that. (laughter)

REPRESENTATIVE ED SCOGIN: I think probably what Mr. Osborne is getting at, I think probably the Act itself, the Legislative Act itself, would have to be amended to bring in enforcement and penalty provisions. I would assume that legislation will be presented to the Natural Resources Committee to amend the Act to bring in a penalty in there. I think, Mike, in reading the Act, and I'm sure you have read it and probably most everybody

else here. We caught that a long time ago that in the Act itself setting up the Louisiana Natural and Scenic Rivers System, no provisions were made in the Legislative process for the penalty and enforcement of it and that is what we are going to have to do. The Legislature will have to amend the Act to provide for enforcement and the proper penalties or whatever it might be and I would assume that and I do hope that some of the people that are working on these things do present this type of legislation to the Natural Resources Committee. I have talked to most of the members of the Natural Resources Committee and they are in favor of what we are doing here today and I'm sure it will be all right but they do need to amend the original Act to provide for enforcement and penalty.

MR. DON WILLE: Right. At the same time, give us funds.

MR. CLAY LUTTRELL: Yes. I want to say this, Mr. Osborne. I differed with you a great deal on 26 but then I'm for you on this. However, we do not have the funds and I think your suggestion today will be very valuable because our Representative in St. Tammany Parish and others perhaps will provide us with the means to do exactly what you suggest.

MR. MICHAEL OSBORNE: If my suggestion is only that you put in the regulations the provision to give the administrator to

send out a notice where there is a known violation and I think you are tying the hands of the administrator if you don't give him that right which he has right now and we all know that the Statute needs some more teeth but let's use the couple of little teeth we have.

MR. JIMMIE THOMPSON: Would not the word "administrator" give him that right?

MR. DON WILLE: Right.

MR. MICHAEL OSBORNE: Would it be implicit in there?

MR. JIMMIE THOMPSON: If I were administrator, I would do whatever was necessary. I would write the letter. Burt, wouldn't you write that letter?

MR. J. BURTON ANGELLE: True, you have to write the letter but then until the Legislature delegates that authority to Wild Life and Fisheries Commission and, in turn, to the administrator. There are no provisions for enforcement. There are no provisions for enforcement delegated by the Legislature to any agency of the state.

MR. DON WILLE: Correct. If we go ahead and adopt this today, where do you draw the decimal point like Mr. Thompson said?

MR. ANGELLE: We can't assume this.

DR. LYLE ST. AMANT: Another thing, we need some procedures to follow. I think it may not have to be in the procedures that

we publish here but without the Act and we have had it with the Act already and I think at least from the lawyers or whoever we are going to tell us how to operate we need to know what to do. For example, if somebody comes in now and says, "Look so and so is up here and he has violated the Scenic Rivers Act, he never even came in here and asked for a permit," so I have to call up the game wardens or someone or go myself or call on somebody to go and examine it because we don't even know if the man broke the law or not. We are already bound to go and find out whether or not the fellow has violated the Act. We have been doing it all along. Now, after we find out that the man has not violated the Act, it should end right there, but if he has violated the Act, we need some legal guidance as to what procedure to follow. Shall we file suit against him? We have this same problem with our gravel and sand permits. I get criticized by the Legislative Auditor when we find a man dredging sand and gravel that never came in to get a permit. Now if we never find him, it's fine. Everything goes along fine, but the minute we find this character and write him a letter and say, "Look, you owe us \$10,000 or \$50,000." If we don't follow through and collect that money then the Legislative Auditor comes in and says, "Look, you are in arrears. You haven't collected your money and you are not doing your job," and then we have to go through a long legal procedure to do it.

There is no funding set up for this. Some way or another we should have a prepared procedure whereby when we find people in violation of this Act or permits or other operations that are not specifically spelled out that we should follow. If we follow this procedure or in the process of following this procedure, then I don't think anybody can condemn us. It may take us five years to collect a certain amount but if we fail to follow something in due process and procedure where we find violations, we are going to be criticized by one group or the other and I know because I have been in that position and when we catch a man, it's when we are in trouble. If nobody reports him, well, it's fine. We don't have to worry about it.

(laughter)

MR. JIMMIE THOMPSON: You know, it's already clear that this is not properly set forth in the Act itself. Doctor, I would like to leave it exactly as it is and I recommend it to my colleagues simply for the reason that you and Mr. Osborne are going to gripe and raise cain until it is changed in the Legislature. If we change it here today, you all might become a little apathetic. I believe we should leave it as it is.

MR. CLAY LUTTRELL: I would like to suggest to Mr. Osborne that this would be a good project for the Sierra Club to see that the Legislature does move in such a way that we can

do exactly what you are saying.

MR. JIMMIE THOMPSON: Boy, that's moving the shoe.

(laughter) I'm on your side.

DR. LYLE ST. AMANT: May I raise a couple of other points? I raised these points in the original drafts and there were no changes made, no action taken on it. I was informed, I assume second handed, that the thing was taken care of in the Act itself but I can see a lot of trouble down the road for the Administrator, Mr. Angelle, or whoever you designate.

MR. JIMMIE THOMPSON: I will nominate him.

DR. ST. AMANT: This deals with the absolute prohibition, the rest of it we can fight about it and we can discuss and we can have meetings about it but under the law, prohibition means not to act at all. Now, I asked for definitions by the legal people including the Attorney General's office as to what constituted channelization, clearing and snagging, channel realignment and, of course, reservoir construction should be reasonably obvious. I was told that the Act spelled it out but the Act has already been challenged in this respect. At least my decision on one of these things as to what realignment consists of. The Act appeared to me to give you certain

latitude but the legal decisions up to date give you no latitude and certainly if the administrator does not have the right to determine what is a minor change in alignment or minor change in snagging which appears to be granted under this or minor change in channelization then we are in trouble because you can't build a bridge, you can't put a pipeline, you can't put anything across a stream without doing some minor work to that channel. You can't correct a problem without changing the channel alignment slightly. This does not shorten a stream, it does not redirect it for any particular purpose nor does it change it from an ecological standpoint. Now, this point came up with respect to the Tangipahoa River and others and unless this type thing is clearly defined in advance we are going to stay constantly in a position of not knowing what the answer is. This leads directly into the most major point that I consider and this is riparian rights and whether or not what can a man do the sandbar. Everybody knows that these rivers have been desecrated, torn up and completely realigned by sand dredging people. They don't have a single permit because they are dredging on their private property and under the law you can dredge right down to the edge of the sandbar, the gravel bar. Now, if you do this in any river, you are going to change the alignment if you do it sufficiently and they do it every day. They

do it without coming in and even asking permission to do it. Now this proposal that these scenic rivers among which practically a good many of them are involved in the sand and gravel dredging we have no statement in here whatsoever about how we shall allow anybody to operate in this channel or with these sandbars. We find one case where the Attorney General's office appeared to take the position that the mere moving of a sandbar by natural current of the river is illegal. Yes, by placing or changing the current direction of flow, you move the sandbar from one point to another. This constitutes realignment whatever the gimmick used to do it. The river itself was not changed nor was it anymore when you move an estuary up and down a half a mile in the case where these picket fences were put in. Conversely, we have people in the same river who will go in there with a dragline and start dredging on this sandbar and dredge into the bank creates a hole that is maybe fifty acres in diameter and when the river comes up, the water flows through it. As far as I know, we have no legal position here. I'm only speaking from the man who is going to have to make these decisions. Unless this type thing--that if we don't have some legal guidance written down so when a man comes in and says can we do this, or can't we do that, we can say we have submitted this to the lawyers

and the Attorney General's office and this is their opinion. If they want to challenge that opinion, then let them go to court. I don't think they should be challenging the administrator on these things because we are going to stay in a lot of trouble with it. I think if we can get those straightened out we may be able to administer this thing.

THE CHAIRMAN: Doctor, I might call your attention to paragraph 4, the statement that no significant use shall be made of the streams unless a permit. I understand the fact that the word "significant" may have a hell of a lot of significance but I really don't know that we can in any way break down the degree of importance and it's almost a matter of discretion of the administrator. He is going to be having a lot of decisions that will be very difficult to make but to spell them out will perhaps simply induce more troubles.

DR. ST. AMANT: OK. The question still goes back then to enforcement and this is fine. This is not hypothetical. People come down, let's say, the Tangipahoa River in a canoe and we get these statements about once a month, maybe two or three times a month. They say they saw so and so doing something to the bank. He has a dragline or he has a bulldozer and he's tearing up the sandbar. This is in violation of the Scenic Rivers Act either in fact or in principle. Do something about it. Now, the first thing we have to do is determine

whether the man is actually up there digging around because he may be in violation of the Act and then when we go up we may find him actually on the sandbar and doing things that are hurting the river. Do you have any legal advice on this? Do we just forget it, skip it or where do we go?

MR. GERALD MARTINEZ: No, sir. If you get a complaint of that nature you forward it to the Attorney General and in turn enforces the Act.

The procedures and guidelines provide that such complaints will be forwarded to the Attorney General who is responsible for enforcement of the Act. If you get a complaint that someone is in violation of the Act without a permit and you have reason to believe or the administrator has reason to believe that there is a violation he refers it to the Attorney General who enforces it.

DR. ST. AMANT: All right. The problem is going to be to determine whether it is a violation or not.

MR. GERALD MARTINEZ: No, sir. The administrator does not make that determination as to whether or not he is in violation. He acts in the nature of a magistrate who if he feels there is reason to believe that there is a violation, he refers it to the Attorney General who is then responsible

for determining whether or not there is a violation. If so, he is responsible for taking action.

DR. ST. AMANT: Do you stop demand until you get an opinion?

MR. GERALD MARTINEZ: Yes, sir. Under the Act the Wild Life and Fisheries Commission does not have the right to stop it. It must be referred to the Attorney General who must enjoin the man from taking further action.

DR. ST. AMANT: Well, he may take the river up before that time.

MR. GERALD MARTINEZ: That's the Attorney General's problem. The Attorney General has indicated that he is not reluctant to enforce this Act. He will enforce the Act.

MR. DOYLE BERRY: There is one redeeming factor.. Irregardless of what a man does, God, time and nature will correct it.

THE CHAIRMAN: Well, gentlemen, I think we have heard enough discussion and arguments and comments and consideration. Is there any one else that feels an urge and need to make a comment? A contribution to the enlightenment of matters under consideration.

MR. JIMMIE THOMPSON: Mr. Chairman, I move that we adopt the rules and regulations as presented with the changes

as mentioned in paragraph 16, 22 and 25 which I think everyone made a note of and duly recorded on tape.

MR. CLAY LUTTRELL: I would like to second that motion.

THE CHAIRMAN: Paragraph 16.

MR. JIMMIE THOMPSON: No. 16 was the one weak deal.

Paragraph 22, the word changed to "any" instead of "the" and 25 was the one that you had the inscription about the procedural delay.

THE CHAIRMAN: The motion by Mr. Thompson.

MR. CLAY LUTTRELL: Second.

THE CHAIRMAN: Seconded by Mr. Luttrell. Any discussion?

MR. DON WILLE: I would just like to say that I think this is a step in the right direction if we can get the legislation to go along with it now. We'll get our enforcement and when we get our enforcement, we'll get our money and will be able to do the job right.

THE CHAIRMAN: Very good. Thank you very much, Don.
Gentlemen, all in favor of the motion signify by saying "aye."

IN UNISON: aye.

THE CHAIRMAN: Opposed. none. Motion is carried.

We, of course, will reserve the right to modify and amend these rules and guidelines as required by experience and, of course, with the aid and assistance of the State Parks

and Recreation Commission, State Planning Office and the Governor's Council on Environmental Quality. So, it's not a final decision today that will irrevocably bind us in the future.

MR. JIMMIE THOMPSON: Mr. Chairman, I would also like to place a nomination at this time--Mr. Burt Angelle as the Administrator.

MR. DOYLE BERRY: I would like to second that.

THE CHAIRMAN: Hearing the motion of Mr. Thompson and seconded by Mr. Doyle Berry, that Mr. J. Burton Angelle be named as Administrator of the Natural and Scenic Rivers Systems Act.

Do you have any comment, Mr. Angelle? Will you accept the responsibility and the duties of your office, so help you?

MR. J. BURTON ANGELLE: So help me God. Well, I'm going to delegate a lot of authority so we can work it out.

MR. DON WILLE: I don't know whether a motion is proper at this time to nominate the assistant and I would like to nominate Mr. Richard Yancey.

THE CHAIRMAN: Mr. Wille, I don't know that the Act provides for or requires that an assistant be named to the administrator. If it does, then I think you would be in order.

MR. J. BURTON ANGELLE: I have the whole Commission as an assistant. I have 840 employees in this Commission that can assist me.

THE CHAIRMAN: Don, do you--

MR. DON WILLE: I would be glad to withdraw if you want.

THE CHAIRMAN: If you will recall.

MR. DON WILLE: I thought we had discussed an administrator and an assistant.

THE CHAIRMAN: I don't recall that, but I believe Mr. Angelle is empowered to name whatever assistant or assistants that he may consider necessary.

All right. I think we have finally reached the point of the Concordia Parish Police Jury.

MR. JIMMIE THOMPSON: They have made an application. They made application for certain things. Why don't we consider it at this time. Does anyone have a motion to make?

THE CHAIRMAN: Yes. At the point of considering the Concordia Parish Police Jury in following normal procedure I would like to call first on the member of the staff to express the thoughts of this Commission, Mr. Yancey.

MR. RICHARD YANCEY: Mr. Chairman, last but certainly not least, we have on the agenda a two-point request from the Concordia Parish Police Jury that has to do with the proposed

Central Concordia Watershed Project.

At the past several meetings we have had in attendance Mr. Cecil Brooking and Mr. Claude Clarke representing the Concordia Parish Police Jury and they have endeavored to obtain certain rulings and positions and letters from the Wild Life and Fisheries Commission and I think we will all agree that perhaps their patience has worn thin and they were emphatic in wanting some answers now to the two requests that they have raised as they relate to the Central Concordia Watershed Project. We would propose and suggest that you act on these two requests independently inasmuch as the two, while they relate to the same project, actually pertain to different subject matter.

The first request that they have that was presented yesterday was that the Commission provide the Concordia Parish Police Jury with a letter of no objection insofar as the construction of the proposed Central Concordia Watershed Project is concerned.

The second part of their request was that the Commission rule as to whether or not this proposed watershed project would be in violation of the Scenic Rivers Act.

In order to get the discussion going we would like to because of the importance of this matter read the proposed

rough draft resolution as it relates to the request that the Commission provide a letter of no objection for the Central Concordia Watershed Project. This particular project has been under study by the Commission for some three or four years and it was evaluated back in the early part of 1971 by personnel of the Commission and the evaluation was requested by the U. S. Soil Conservation Service. Based upon the evaluation and subsequent correspondence that we have had and so forth this proposed rough draft resolution has been prepared here and I will read it for the benefit of those that are in attendance.

"WHEREAS, Mr. Cecil Brooking and Mr. Claude Clarke representing the Concordia Parish Police Jury have appeared before the Louisiana Wild Life and Fisheries Commission and requested a letter of no objection to the proposed Central Concordia Watershed Project, and

WHEREAS, the staff of the Louisiana Wild Life and Fisheries Commission has conducted an evaluation of the effects this project will have on fish and wildlife populations and habitat within the area, and

WHEREAS, this study concluded that the drainage program will ultimately have devastating effects upon the fish and

wildlife resources within the project boundaries, and

WHEREAS, copies of the detailed evaluation report was supplied to the U. S. Soil Conservation Service over two years ago, and

WHEREAS, the losses will include the clearing of thousands of additional acres of Louisiana's fast disappearing bottomland hardwoods, the drainage of 19 natural permanent and semi-permanent water and wetland areas, the loss of thousands of deer, squirrel, swamp rabbit, woodducks, migratory waterfowl and other associated birds and animal life, the loss of fishery habitat and the loss of tens of thousands of days of recreational opportunity for the sportsmen of Concordia Parish and the State, and

WHEREAS, Article IV of the Constitution of Louisiana charges the Louisiana Wild Life and Fisheries Commission with protecting, conserving, and replenishing the game fish and non-game resources of the State, and

THEREFORE BE IT RESOLVED that in keeping with its responsibilities of conserving the wildlife resources in the State, the Louisiana Wild Life and Fisheries Commission does hereby go on record as declining to provide a letter of no objection to the Central Concordia Watershed Project, either the Concordia Parish Police Jury or the U. S. Soil Conservation Service."

This proposed resolution would be in response to their request for such a letter of no objection.

THE CHAIRMAN: Is that your recommendation?

MR. RICHARD YANCEY: This is the proposed resolution that would be up for consideration and discussion.

THE CHAIRMAN: Gentlemen, do you want to discuss further? We will take these men one at a time.

Now, Mr. Yancey, you have another recommendation with regard to--

MR. RICHARD YANCEY: This would come up after this resolution. The other request that they have would be, well, they want a ruling as to whether or not the proposed Central Concordia Watershed Project would be in violation of the Scenic Rivers Act so these are two independent questions and they want answers to these. They have been very emphatic in this regard. This would be the answer to question No. 1 and the answer to question No. 2 would come up under the second part of the discussion.

THE CHAIRMAN: My question is whether or not we should go into the second part of the discussion before hearing Mr. Brooking of the Concordia Parish Police Jury. What I was going to suggest is that you might have a tendency to confuse the two if we don't hear the second one and distinguish between them.

MR. RICHARD YANCEY: Well, of course, the second one I do not at this time have a proposed resolution prepared for Commission consideration in view of the fact that you just adopted the procedures under which such applications will be considered by the administrator.

This has been under discussion for a long time, they have submitted an application, copies of the work plan, and of course they are very interested in getting a fast response to the question No. 2.

MR. DOYLE BERRY: Mr. Chairman, I'm going to alter on this second part and if you like I'll read it. I'm going to so move to let it be drafted.

THE CHAIRMAN: Mr. Berry, I was just wondering if perhaps we might hear from--

MR. DOYLE BERRY: This is not to confuse the second issue. I'm not making a motion now. I'm just studying what my motion will be--my intentions, not necessarily what it will be. Let it be drafted and signed by the Director to the Concordia Parish Police Jury to read as follows:

"The Louisiana Wild Life and Fisheries Commission has been requested by you to advise of its official position concerning the proposed Central Concordia Watershed Project. If your plans do not conflict with the Natural and Scenic Rivers

Systems Act and you can assure us of no specific violations of this Act will be committed of the proposed amendments. Acting on that assurance, the Louisiana Wild Life and Fisheries Commission has no objection. We enclose a copy of the new guidelines and procedures for the administration of the Natural and Scenic Rivers Act for your information. We feel that it is important to state to you at this time that any future clearing of bottomland hardwood would have detrimental effects on the future of wildlife and the wilderness quality therein."

THE CHAIRMAN: Mr. Brooking, would you like to make a comment now?

MR. CECIL BROOKING: I don't think I need to introduce myself again. I'm Cecil Brooking. I represent Ward 4, Concordia Parish, which is involved in this flood control project that we spoke of for the past several months. I regret that we got into a heated discussion over this situation yesterday and I do promise to exercise restraint today and to avoid this sort of thing. We appeal to you strictly today as administrators of the Act and hope that you will give us your help so that the interest of conservation may be served as well as the protection of all of our resources in the area. To the best of our ability, we have tried to effect changes that remove all specific violations to the Natural and Scenic Rivers Act and I feel that we have done a reasonable job in protecting all interests that

are involved.

In this project I was given the responsibility and authority to effect a compromise that would be as closely as possible acceptable to all agencies and I certainly appreciate your consideration in this matter. I wish at this time to withdraw my request for a letter of no objection and in its place ask that you give us a statement of position whether or not you consider the proposed work that we have presented plans to you and by resolution have described as not involving any channel alteration, snagging or enlargement and to give us your position on it as to whether or not you consider your agency as administrators of the Natural and Scenic Rivers Act to have responsibility or authority in this situation as it stands at this time.

THE CHAIRMAN: Thank you very much, Mr. Brooking.

MR. DOYLE BERRY: Mr. Chairman, that request should be left up to the Administrator. It is his decision and not this Commission. It is the Administrator's decision.

MR. CECIL BROOKING: Mr. Berry, if you would present your motion as you stated before it would satisfy me.

MR. JIMMIE THOMPSON: So move, Mr. Berry.

MR. DOYLE BERRY: Shall I go through it again?

MR. JIMMIE THOMPSON: No.

MR. DON WILLE: I'll second it.

THE CHAIRMAN: It has been moved by Mr. Berry, seconded by Mr. Wille, that the Wild Life and Fisheries Commission ask Mr. Angelle as Director to write to the Concordia Parish Police Jury to make an official statement of position with regard to your application for a Central Concordia Watershed Project.

Is there any discussion, gentlemen?

MR. CLAUDE CLARKE: I think we need to go the other way. We will have to follow these rules and regulations and have to abide by No. 16 which is associated with evaluation.

THE CHAIRMAN: Mr. Brooking, there is a little bit of difference of opinion at the moment as to whether or not your next step in procedure would be to follow through with the Administrator as newly appointed or not.

MR. CECIL BROOKING: Very definitely. We will be obliged to work with the Administrator I would imagine.

MR. JIMMIE THOMPSON: My interpretation of that. My interpretation of the motion that Mr. Berry made merely states that copy of the resolution that we adopted this morning is included in our answer to you and by your admission. You do not touch any of these areas so, therefore, you are not bothered with the Scenic Rivers Act as such. Now if you go into any leg of it, then you have-- Suppose you change and decide you want to clear part of it.

MR. CECIL BROOKING: This is the way I understood Mr. Clarke's comment that if there were any alterations that it would go through the Administrator but by resolution we have described this as not being in violation in specific violation of the Act and inasmuch then if your position is that you have no responsibility, then we can take another step.

MR. JIMMIE THOMPSON: As I interpret it, our responsibility as set forth in his motion as well as the attached guidelines to your letter. If you don't touch these guidelines, you have no reason to apply to us.

MR. CECIL BROOKING: If we don't violate the guidelines--

MR. JIMMIE THOMPSON: There is no point--

MR. CECIL BROOKING: But we do have to have a statement from you. If you will provide us with that.

MR. JIMMIE THOMPSON: Well, that's the motion for a statement.

MR. CECIL BROOKING: Fine.

MR. DOYLE BERRY: Was that motion ever voted on?

THE CHAIRMAN: The motion was never voted on.

Would you wish to make some comments?

MS. DORIS FALKENHEIMER: Thank you very much, Mr. Chairman. My name is Doris Falkenheimer. I am a long native of Concordia Parish. I might add that I presently live in

Baton Rouge. I have retained some property interest in Concordia Parish and I have here a copy of the draft work plan for the Central Concordia Watershed Project which calls for channelization of Bayou Cocodrie which is part of the Natural and Scenic Rivers System. I simply do not see how you, as a Commission, can today take a position which is in effect telling your Administrator what your position is going to be in the event that somebody appeals his decision later on. I think that this matter should be deferred until the Administrator rules on the regular procedures. Follow the regular order of business that you have adopted today. The Concordia Parish Police Jury may have the authority to later change the work plan for the Central Concordia Watershed Project but as it stands right now there is a map attached to the draft copy dated June, 1970, showing that there are proposed channelization of the Bayou Cocodrie. I would be very much opposed to you doing anything other than adopting Mr. Yancey's suggested resolution.

THE CHAIRMAN: Miss Falkenheimer, we very much appreciate your comments. There have been considerable revisions of the plan.

MS. DORIS FALKENHEIMER: It was quite difficult for anyone to obtain anything. It was only with great trial and

tribulation that I got my hands on this one. If this is not, then what they are operating under, then they should make that knowledge available to everyone.

THE CHAIRMAN: This plan that you are discussing is 1970 and there has been some considerable changes since that time. The application has been withdrawn as to the portion that you are objecting to at the moment and what we will do today is to make a statement of position which relates to an area that is not going to be in conflict with the prohibitions of the Scenic Rivers Act insofar as further act and action on behalf of the Police Jury's concern, it will have to come back to the Administrator when it modifies or when it goes into other plans.

MS. DORIS FALKENHEIMER: Perhaps, discussing the second point I made, that their application for a permit to the Administrator would be made in regular procedures.

MR. JIMMIE THOMPSON: They are not going to make that application, as I understand it. They are not going to touch-- You see, the reason I--

MS. DORIS FALKENHEIMER: Perhaps it should be because maybe some of their work will be on tributaries which will effect the scenic streams.

MR. JIMMIE THOMPSON: The reason that I insisted that those guidelines be incorporated in their answer precludes this

from happening. If they violate any one or go into any one of these guidelines, then they have to make application. But so long as they stay out of or above or further up, we have no jurisdiction. This second motion which was really the first one that Mr. Wille intends to make is in reference to that portion that is not encompassed in the Scenic River. This thing is confusing. I know it is confusing to you; I know it is to me.

MS. DORIS FALKENHEIMER: How then will they know whether or not a permit will be required. I'm still having a basic problem with your taking a position today which may or may not coincide with the decision that the Administrator will make later on.

MR. JIMMIE THOMPSON: The Administrator has to follow the guidelines.

MS. DORIS FALKENHEIMER: Yes. Yes. And, if anyone disagrees with the decision he makes under the procedures they have, of course, the appeal. Perhaps the Administrator decides that because of some action or channelization of a tributary, the water quality in Bayou Cocodrie will be effected and, therefore, a permit will be requested, etc., and he will deny it and you later come up before your full commission here today on appeal. You will state a position.

MR. JIMMIE THOMPSON: Well, our position is stated in this resolution that we adopted. In other words, if it doesn't conform to this, then we would have to be against it.

MS. DORIS FALKENHEIMER: In other words, it is a rather noncommittal type reply.

MR. JIMMIE THOMPSON: Absolutely. You are 100 per cent correct. Yes, Mam. In other words, we are going back to what I said a dozen times. We are not going to say that you can't have one tributary here that may be in Canada. In other words, we can't set out all of the knots. Like in an emergency. We can't say, well, in case only of a hurricane. Another emergency may be the levee broke, which wasn't a hurricane, you understand, so we can't set out every minute emergency, or every minute detail, so you are absolutely correct. We are taking a negative position.

MR. DON WILLE: We will be making a statement of condition in just a second.

MR. JIMMIE THOMPSON: The second motion--listen to it when it comes up.

MR. DON WILLE: We have to vote on the first motion first.

THE CHAIRMAN: Gentlemen, if there is no more discussion, all in favor of the motion by Mr. Berry, signify by saying aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed.

(No response)

THE CHAIRMAN: Motion is carried.

(Text of the resolution is here
made a part of the record)

WHEREAS, the Louisiana Wild Life and Fisheries Commission has been requested to state its position either in support of or in opposition to the proposed Central Concordia Watershed Project, which if approved will be constructed by the U. S. Soil Conservation Service; and

WHEREAS, the staff of the Louisiana Wild Life and Fisheries Commission has conducted an evaluation of the effects this project will have on fish and wildlife populations and habitat within the area; and

WHEREAS, this study concluded that the drainage program would ultimately have devastating effects upon the fish and wildlife resources within the project boundaries; and

WHEREAS, copies of the detailed evaluation report were supplied to the U. S. Soil Conservation Service over two years ago; and

WHEREAS, the losses will include the clearing of thousands of additional acres of Louisiana's fast-disappearing bottomland hardwoods, the drainage of 19 natural, permanent

and semi-permanent water and wetland areas, the loss of thousands of deer, squirrel, swamp rabbit, wood ducks, migratory waterfowl, and other associated bird and animal life, the loss of fishing habitat, and the loss of tens of thousands of days of recreational opportunity for the sportsmen of Concordia Parish and the State; and

WHEREAS, Article VI, Section 1 (A), of the Constitution of Louisiana charges the Louisiana Wild Life and Fisheries Commission with protecting, conserving, and replenishing the game, fish, and non-game resources of the State; and

THEREFORE BE IT RESOLVED that in keeping with its responsibilities of conserving the wildlife resources in the State, the Louisiana Wild Life and Fisheries Commission does hereby go on record as opposing the presently proposed Central Concordia Watershed Project by the U. S. Soil Conservation Service.

THE CHAIRMAN: Gentlemen, you have heard the recommendations of Mr. Yancey with regard to the general statement of the Wild Life resource endangering and what is your pleasure with regard to that.

MR. DON WILLE: Would the audience perhaps like to hear that statement again from Mr. Yancey? Mr. Yancey would you like to read that resolution again, please.

MR. RICHARD YANCEY: I could summarize it by saying that they have requested that the Commission furnish them with a letter of no objection to the proposed Central Concordia Watershed and the resolution declines to provide them with such a letter because of the reasons stated in the resolution.

MR. JIMMIE THOMPSON: May I point out to Ms. Falkenheimer that this is the portion that we do object to. In other words, this is outside of the Scenic Rivers Act and we do object and I hope we are making that objection unanimous here today.

MR. H. CLAY LUTTRELL: May I try to help her just a little bit. Mr. Berry stated specifically that we didn't object if they didn't violate any of these regulations here and then Mr. Yancey made it specific that we did object to any damage to wildlife and destruction to wildlife.

THE CHAIRMAN: Mr. Brooking, I know that you have withdrawn your request. I don't know what the wishes of the Commission might be with regard to the resolution anyway.

MR. CECIL BROOKING: Well, I just wanted to make the point that I have withdrawn the request for a letter of no objection.

THE CHAIRMAN: You have withdrawn your request.

MR. CECIL BROOKING: I officially withdraw our request for a letter of no objection.

MR. JIMMIE THOMPSON: I thought he asked for a statement.

THE CHAIRMAN: Yes, we had that. We gave them this.

MR. JIMMIE THOMPSON: I'm confused now. I'm talking about in reference to above the scenic river--what Dick has here. You don't want what we are fixing to pass here. You don't want a thing at all.

MR. CECIL BROOKING: I withdraw that request now.

MR. JIMMIE THOMPSON: Mr. Chairman, I move that we adjourn.

MR. DON WILLE: Just a minute. I've got some business. I have Mr. Reuben White here who has graciously through the Bossier Parish Police Jury offered us some land for a biological research type of operation in the Lake Bistineau area. As you know, we have had quite a moss problem up there. At the same time, Mr. White also requested of me a delay on lowering the lake. He asked me to extend it to October 15th and I would like to put that into a form of a motion.

THE CHAIRMAN: Mr. Wille, do you want to--Does Mr. White want to make a comment?

MR. REUBEN WHITE: Mr. Chairman, Commissioners, I'm Reuben White, President of the Bossier Parish Police Jury.

We do have five acres of land in the Lake Bistineau area. We would like very much for your consideration of building a biological experimental station there if we can get the funds and, also, get one of the schools--either L.S.U. or Louisiana Tech or one of the universities to maintain and fund the use of the biological experimental station. This is the first thing and then also the second request was the 15 day extension of lowering Lake Bistineau.

I have had so many owners, camp owners, commercial owners and also a lot of people in Bossier Parish that own homes in this area. They don't seem to think that the lowering of the lake is doing the moss any good but that is neither here nor there. You have made your decision on that but we would like very much and appreciate your consideration of extending the lowering of the lake for 15 days.

Thank you.

THE CHAIRMAN: Thank you very much, Mr. White.

Mr. Cook would you like to?

MR. MIKE COOK: Yes. I would like to request this Commission adopt the resolution suggested by Mr. Yancey.

MR. JIMMIE THOMPSON: To do what?

MR. MIKE COOK: To adopt Mr. Yancey's resolution.

THE CHAIRMAN: Mr. Cook, that's on a matter we have just passed. We'll come back to it in a minute. Thank you.

THE CHAIRMAN: Gentlemen, with regard to the-- Yes, I was going to ask if you would separate into two, Mr. Wille, the comments that you made with regard to land first and then to--

MR. DON WILLE: Right. First of all, we'll put up for motion that we do accept the land provided that we can get the funds to provide the--to set up the station. Provided we can get the funds and that is what I'm going to start working on.

THE CHAIRMAN: Do you wish to make it conditional upon the acceptance of a donation?

MR. DON WILLE: Yes. There is no sense of us accepting it if we can't use it.

MR. DOYLE BERRY: Where do you think the funds will come from, Don?

MR. DON WILLE: We have an allotment of money going to Bistineau right now which part of it is going to a public boat ramp which would take up some of that money and if we can get that money in the form of a grant and it is 75% federally funded, we get the biological setup up there from one of the colleges. So, it's a matter of switching some funds on this thing.

THE CHAIRMAN: All right, gentlemen, you have heard the motion that we accept the offer of a donation of land.

MR. H. CLAY LUTTRELL: I have a question. Money for the continued operation would it be included in--well, when you secure money for the establishment, will you at the same time secure money for the continued operation of this laboratory?

MR. DON WILLE: Great. That's going to be up to me. I'm going to have to go to the Governor and the Division of Administration and see if I can get the money and that's why I made it under that condition that if we can't get it and we can't continue the operation, then we won't accept it.

MR. H. CLAY LUTTRELL: My question was this. I understood it was for the establishment of it but you will include in your motion not only the establishment of this institution but the maintaining and operation of it also in your funds. OK. I can go with it if it will be maintained out of funds other than the funds we already have.

MR. DON WILLE: Right.

MR. J. BURTON ANGELLE: Funds are made available on a yearly basis, on a fiscal year basis. In other words, we can project this year's expenditures but we cannot at this time project 74-75 fiscal year's budget.

MR. JIMMIE THOMPSON: I would like to amend this motion. I'm thinking too many places at one time. I think I'm right here, I'd like to amend the motion that Don get the money.

MR. DON WILLE: I already said I would.

MR. JIMMIE THOMPSON: But I want that in a motion.

(laughter)

MR. DON WILLE: All right. Provided I get the funds.

MR. JIMMIE THOMPSON: I know you are capable of it.

Providing you get the funds, I so vote.

MR. DON WILLE: OK. I'll go for that.

THE CHAIRMAN: Are you willing to accept the amendment?

MR. DON WILLE: Yes.

THE CHAIRMAN: All right. Gentlemen, what is your pleasure with regard to that. All in favor of the motion, signify by saying aye.

IN UNISON: Aye.

Opposed? ⁷ (No response)

Motion is carried.

THE CHAIRMAN: Now with regard to your second motion.

MR. DON WILLE: My second motion would be to extend the lowering of Lake Bistineau until October 15th since the Police Jury has taken a stand that they are willing to help us to get some research done in this area. I think we should consider it for them.

MR. DOYLE BERRY: Is that the request of the Jury that the lake be left alone until the 15th?

FROM THE FLOOR: (not audible)

MR. DOYLE BERRY: Dick, what harm is it going to do to wait another fifteen days?

MR. RICHARD YANCEY: It is going to make it a lot harder to control water weeds on the lake. The longer you wait the less control you are going to have.

THE CHAIRMAN: Mr. Berry, we had a long and extended four hour session in a special meeting on the 5th of September in Bossier City. Approximately four hundred people there present represented and many large sportsmen's leagues were represented in addition to the people personally in attendance. The Commission Members then after considerable discussion and thought voted to delay the drawdown of Lake Bistineau from September 4th, from that time, to October 1st. You might recall that back in August we moved to begin the drawdown on Labor Day and we attempted to satisfy as many people as possible to delay the drawdown as late as possible and still have some effect and result from the drawdown and now this request from Mr. Wille is for an additional two week period of delay.

MR. JIMMIE THOMPSON: Mr. Chairman, when you take a vote I'd like for mine to be recorded as abstaining.

THE CHAIRMAN: All right, gentlemen. Is there any further discussion?

MR. DON WILLE: I made my motion.

THE CHAIRMAN: All right. We vote on the motion.

All in favor of the motion signify by saying aye.

MR. JIMMIE THOMPSON: I abstain.

THE CHAIRMAN: Mr. Luttrell?

MR. H. CLAY LUTTRELL: No.

THE CHAIRMAN: All right. We have two in favor of the motion, one against, and one abstention. In that event the chair does not need to vote. He would have voted to break the tie.

Gentlemen, the motion passes and I think that concludes the business.

(Text of the resolution is here
made a part of the record)

WHEREAS, interest was expressed at the regular meeting of the Louisiana Wild Life and Fisheries Commission held on September 18, 1973, in delaying the beginning of the drawdown on Lake Bistineau past October 1, 1973; and

WHEREAS, the President of the Bossier Parish Police Jury also requested a drawdown delay, now

THEREFORE BE IT RESOLVED that the drawdown on Lake Bistineau is hereby delayed until October 16, 1973, on which date the gates will be opened.

THE CHAIRMAN: We have a request again that we reconsider the matter of the Concordia Parish Police Jury with regard to the comments and recommendations of our Assistant Director.

MR. JIMMIE THOMPSON: Why don't you call Mike Cook to the mike.

THE CHAIRMAN: Mike, do you want to make any comments in that regard.

MR. MIKE COOK: Request for a letter but I did not hear Mr. Yancey withdraw his resolution. I would like to see the Commission act on this resolution.

MR. JIMMIE THOMPSON: Mike, I might save us a little time. They have already been apprised by letter which Dick has on all this same thing which would be repetition. Dick, would you show him?

MR. MIKE COOK: The only thing that needs a change if you all change your position to . . . (not audible) all this.

MR. JIMMIE THOMPSON: What you are saying, in other words, you want us to go ahead and give this thing.

MR. MIKE COOK: I don't know that this Commission is officially on record of adopting it.

MR. RICHARD YANCEY: No. The Commission is not on record as either favoring or opposing the Central Concordia Watershed Project. There have been letters written over the years that

more or less outlined the losses that would occur but at no time has the Board to my knowledge ever adopted a resolution either in opposition or in support of the Central Concordia Watershed Project.

MR. JIMMIE THOMPSON: You all assumed this opposition did you not? Well, I move that we concur in the letters that have previously been written.

MR. DON WILLE: I move that we accept the resolution as presented by Mr. Yancey.

MR. H. CLAY LUTTRELL: I have to support that.

MR. RICHARD YANCEY: Since they have withdrawn their request for the motion and if the Commission wants to go on record either in support or in opposition of that project from the fish and wildlife standpoint, I would recommend that the Commission go on record as opposing that project from the fish and wildlife standpoint.

MR. DON WILLE: All right. I'll make a motion.

MR. DOYLE BERRY: Well, this last paragraph of my motion.

MR. DON WILLE: What was it?

MR. DOYLE BERRY: We feel that it is important to state to you at this time that any future clearing of bottomland hardwood would have detrimental effects on the future of wildlife and the wilderness quality therein.

RICHARD YANCEY: That's right but this is based strictly on the fact that the Commission is charged with the responsibility of maintaining the fish and wildlife resources of this State and does not involve any other factors. This project will be damaging the fish and wildlife in that area and it is based on those conclusions that were derived at in an evaluation that was made by the technical personnel of this Commission that there are going to be extensive damages to the fish and wildlife resources in that area. You want to go on record either in support or in opposition of the project, we recommend you oppose it.

THE CHAIRMAN: Mr. Yancey, the resolution as drafted suggests a declining of a letter of no approval but we are not faced with that proposition now in view of the fact that they have withdrawn their application for that.

RICHARD YANCEY: That's right. If we take a position about the project we would have to change this last part which has to do with "therefore be it resolved that in keeping with its responsibilities of conserving the wildlife resources in the state, the Louisiana Wild Life and Fisheries Commission does hereby go on record as opposing the proposed Central Concordia Watershed Project from the fish and wildlife standpoint."

THE CHAIRMAN: Gentlemen, Mr. Brooking this is something you already know. This is something our position has been unwavering with regard to that in the past.

CECIL BROOKING: We have no objection to your establishing that position as the Wild Life and Fisheries Commission.

DON WILLE: A while ago Mr. Yancey read that as the resolution, I made a motion that we accept that resolution.

THE CHAIRMAN: We have to modify the resolution because it refers to a declining of their request for a letter of no objection.

MR. DON WILLE: Didn't he just change it.

THE CHAIRMAN: Yes.

MR. RICHARD YANCEY: Since they have withdrawn their request for the letter, the resolution, the wording in the resolution would simply delete anything with reference to the letter--simply state the position of the Commission about the project.

MR. DON WILLE: I would like to amend my motion.

MR. JIMMIE THOMPSON: I believe it would be in order first for me to withdraw my motion that we accept all the previous letters which I do withdraw.

THE CHAIRMAN: I was going to ask you to.

MR. DON WILLE: I would like to amend my resolution to read as Mr. Yancey just presented it to us, reword it, and make a motion and see if it carries.

THE CHAIRMAN: All right. Any second?

MR. H. CLAY LUTTRELL: I'll second it.

THE CHAIRMAN: Motion by Mr. Wille; seconded by Mr. Luttrell.

Gentlemen, you know the nature of the motion. Any

comments further? (No response)

Hearing non, all in favor signify by saying aye.

IN UNISON: Aye

Opposed? (No response)

Motion is carried.

MR. JIMMIE THOMPSON: I now move that we adjourn.

. . . Thereupon, at 1:00 o'clock p.m.,
the meeting was adjourned . . .